

CITY OF SAN ANTONIO

Board of Adjustment Regular Public Hearing Agenda

Cliff Morton Development and Business Services Center
1901 South Alamo Street
Board Room, First Floor

Monday, November 17, 2008
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Vacant– District 4	Mike Villyard – District 9
George Alejos – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10	
Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	

1. 1:00 PM Board Room – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-08-053:** The request of Steven Benke, for 1) a 172-foot variance from the Chapter 28-239(e) requirements that signs be setback a minimum of 200 feet from the nearest residential zone, in order to allow a sign to be 28 feet from the nearest residential property, and 2) a 65-foot variance from the requirement that signs be setback a minimum 100 feet from the nearest street easement or right-of-way, in order to allow a sign to be 45 feet from the nearest street (Chapter 28 requires these setbacks for expressway size signs on lots which do not have expressway frontage, but that are within 500 feet of an expressway). In the alternative the applicant is requesting 3) a 17.999-foot variance from the Chapter 28-239(d) requirement that free-standing on-premise signs on an Arterial “Type B” shall not exceed an overall height of 32 feet, in order to erect 49.999-foot tall free-standing on-premise sign, 4018 Vance Jackson.
5. **A-08-096:** The request of The University of the Incarnate Word, for a 17-foot variance from the requirement that an on-premise, multi-tenant sign fronting Arterial “Type B” street classification be no taller than 32 feet tall, in order to erect a 49-foot tall free standing on-premise sign, 9729 Datapoint Drive.

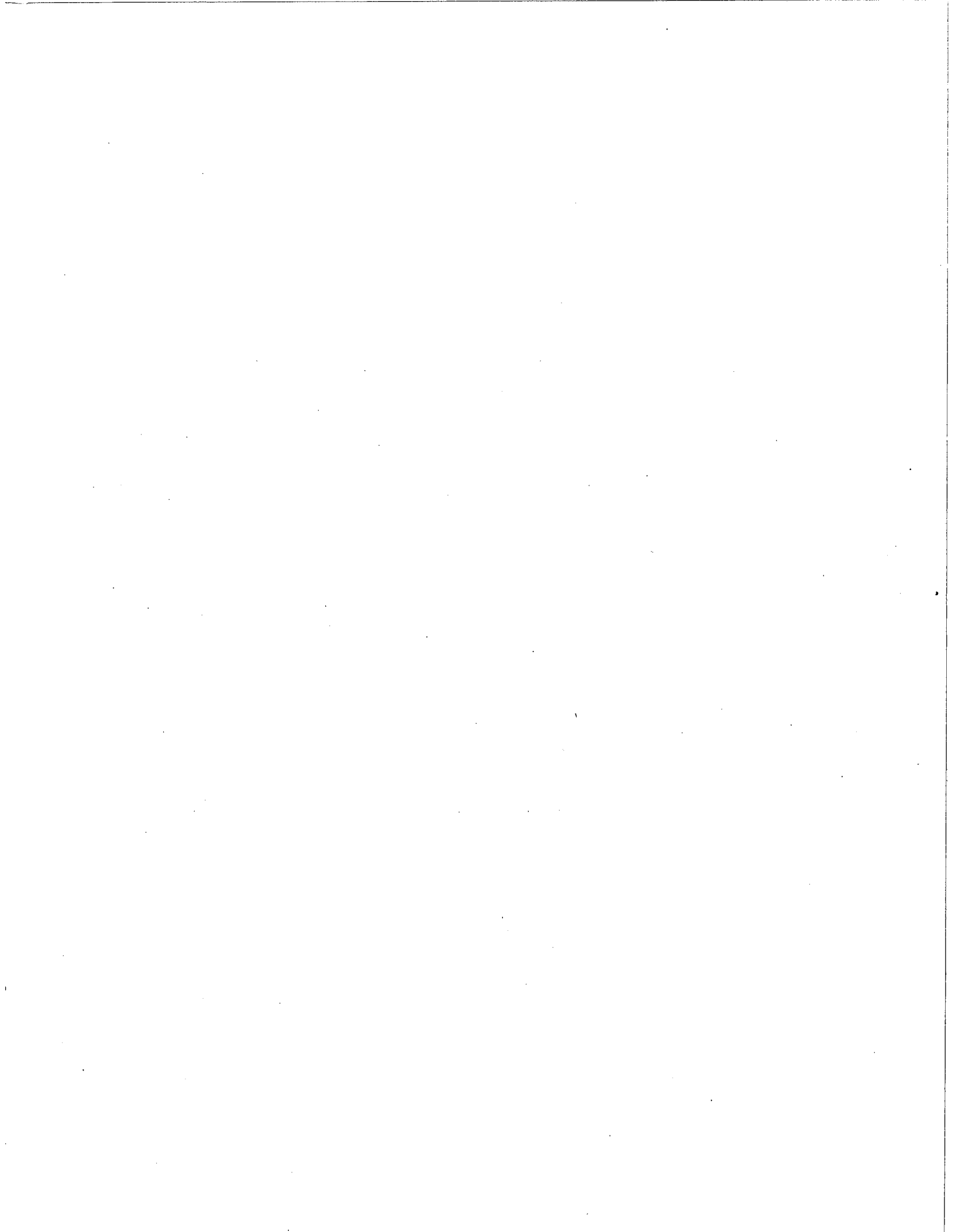
6. **A-08-108 B:** The request of Villa Park Architecture, for a 19-foot variance from the Northeast Gateway Corridor Overlay District requirement that a minimum 20-foot side setback be maintained, in order to erect a structure 1 foot from the side property line, 11303 O'Connor Road.
7. **A-09-004:** The request of Christopher Erck, for 1) a Special Exception for the relocation of a structure from 23361 IH-10 West to 24135 IH-10 West and 2) a variance from the Hill Country Gateway Corridor District Plan requirement that the exterior surfaces of primary and accessory buildings that are located within the corridor district boundaries, and that are visible from IH-10, consist of one of the permitted materials specified by the Hill Country Gateway Corridor District Plan (*Building Materials – Permitted*), in order to relocate a structure with wood siding exterior surfaces, 24135 IH-10 West.
8. **A-09-005:** The request of Candlewood Suites, for a 5-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to erect an 8-foot tall solid screen front-yard fence, 9350 IH 10 West.
9. Approval of the 2009 Board of Adjustment public hearing calendar.
10. Approval of the minutes from the regular meeting on November 3, 2008.
11. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
12. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd

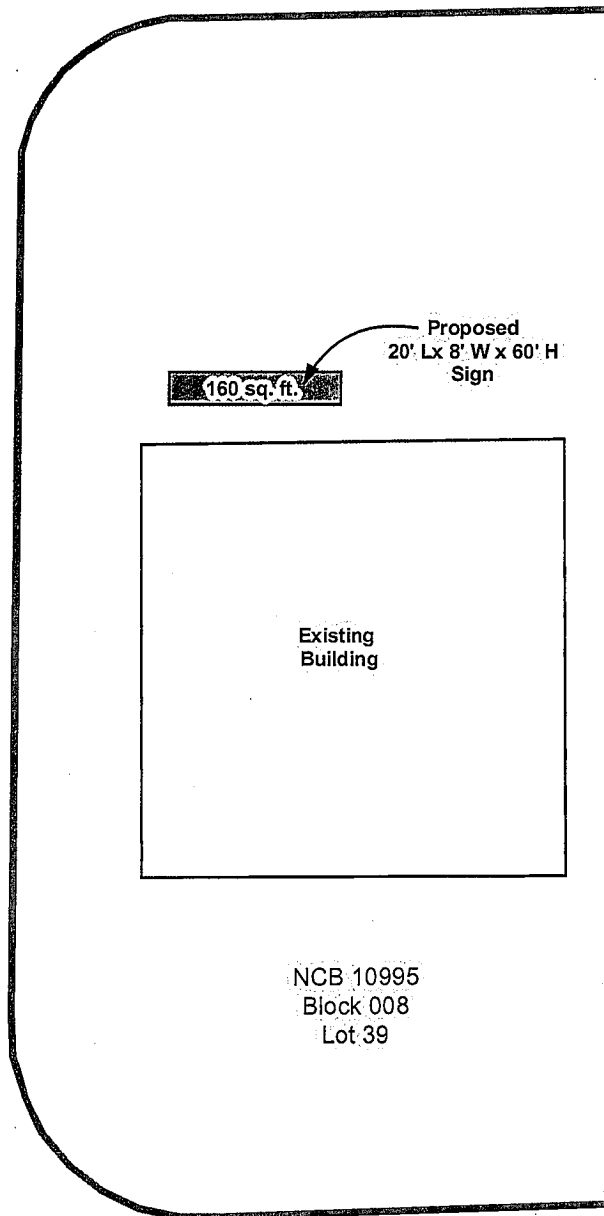
At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

ACCESSIBILITY STATEMENT

This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Vance Jackson



Existing
Building

NCB 10995
Block 008
Lot 39

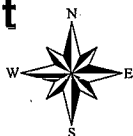
Proposed
20' Lx 8' W x 60' H
Sign

160 sq. ft.

Birchwood

Board of Adjustment

**Plot Plan for
Case A-08-053**



Scale: 1" approx. = 20'
Council District 1

4018 Vance Jackson

City of San Antonio
Planning & Development Services Dept.
(10/28/2008) - PH

Board of Adjustment - Case No. A-08-053

November 17, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 17, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Steven Benke
Lot 39, Block 8, NCB 10995
4018 Vance Jackson
Zoned: “C-1” Light Commercial District

The applicant is requesting **1)** a 172-foot variance from the Chapter 28-239(e) requirements that signs be setback a minimum of 200 feet from the nearest residential zone, in order to allow a sign to be 28 feet from the nearest residential property, and **2)** a 65-foot variance from the requirement that signs be setback a minimum of 100 feet from the nearest street easement or right-of-way, in order to allow a sign to be 45 feet from the nearest street (Chapter 28 requires these setbacks for expressway size signs on lots which do not have expressway frontage, but that are within 500 feet of an expressway). In the alternative the applicant is requesting **3)** a 17.999-foot variance from the Chapter 28-239(d) requirement that free-standing on-premise signs on an Arterial Type B shall not exceed an overall height of 32 feet, in order to erect a 49.999-foot tall free-standing on-premise sign.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

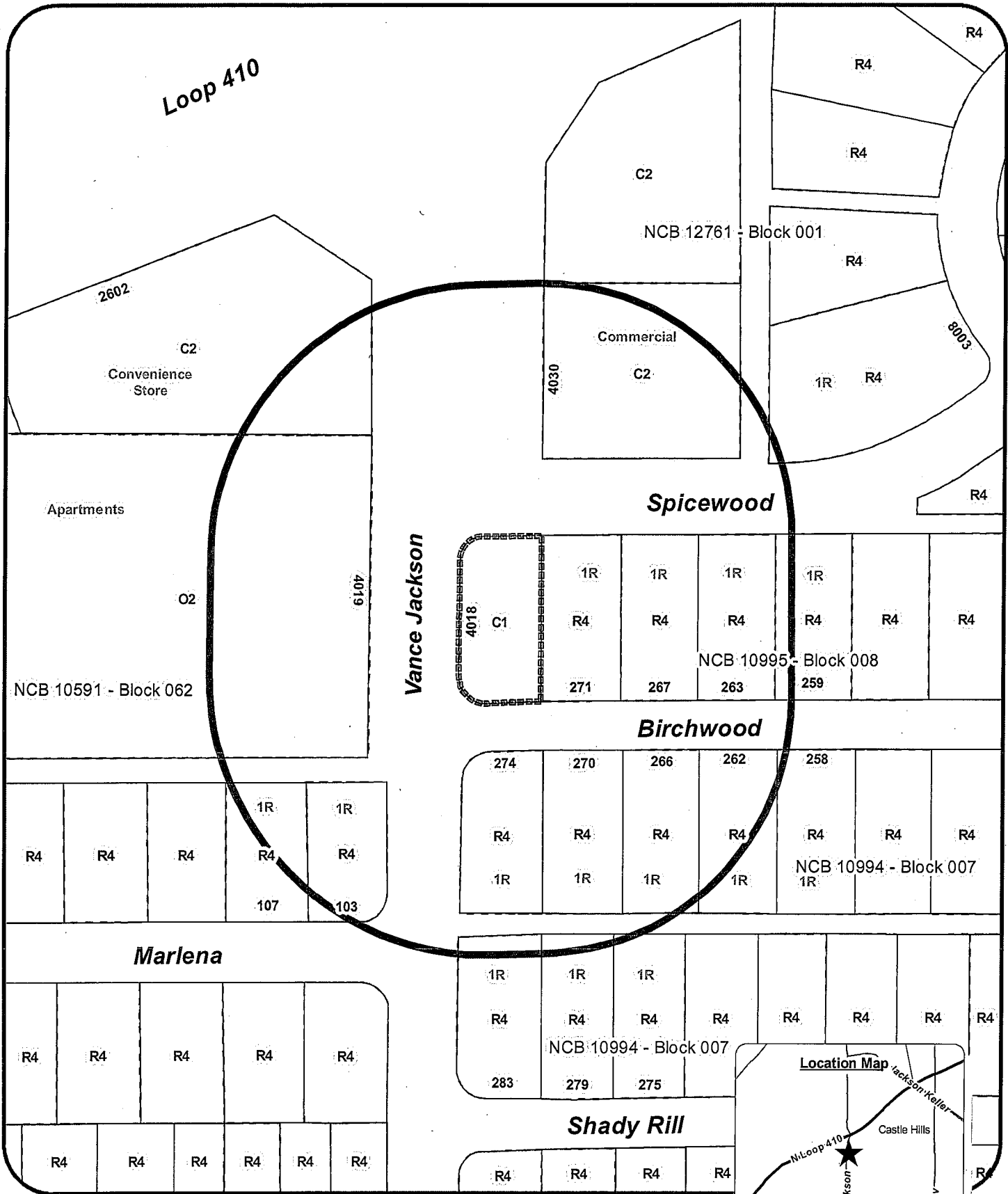
Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____



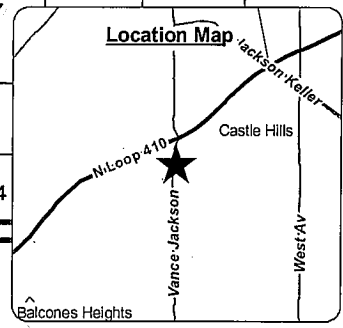
Board of Adjustment
Notification Plan for
Case A-08-053



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 100'
 Council District 1



City of San Antonio
 Planning & Development Services Dept.
 (10/28/2008) - PH

CASE NO: A-08-053

Board of Adjustment – November 17, 2008

Applicant: Steven Benke

Owner: Steven Benke

Request(s): 1) a 172-foot variance from the Chapter 28-239(e) requirements that signs be setback a minimum of 200 feet from the nearest residential zone, in order to allow a sign to be 28 feet from the nearest residential property, and 2) a 65-foot variance from the requirement that signs be setback a minimum of 100 feet from the nearest street easement or right-of-way, in order to allow a sign to be 45 feet from the nearest street (Chapter 28 requires these setbacks for expressway size signs on lots which do not have expressway frontage, but that are within 500 feet of an expressway). In the alternative the applicant is requesting 3) a 17.999-foot variance from the Chapter 28-239(d) requirement that free-standing on-premise signs on an Arterial Type B shall not exceed an overall height of 32 feet, in order to erect a 49.999-foot tall free-standing on-premise sign.

Legal Description: Lot 39, Block 8, NCB 10995

Address: 4018 Vance Jackson

Zoning: "C-1" Light Commercial District

Existing Use: Office

Neigh. Assoc: Dellview Area Neighborhood Association

Neigh. Plan: Greater Dellview Neighborhood Plan

Sections of the City Code from which the variances are requested:

28-239(e); Signs must be be setback a minimum of 100 feet from the nearest street easement or right-of-way and 200 feet from the nearest residential zone in order to allow for an expressway standard sign to be erected on a lot which does not have expressway frontage.

28-239(d); Free-standing multi-tenant on-premise signs on properties fronting on an Arterial Type B are limited to 32 feet in height and 250 square feet of sign face area.

Background: The subject property is located along Vance Jackson, an Arterial B, just south of Northwest Loop 410. The subject property is bound by local streets Spicewood to the north and Birchwood Drive to the south and sits at the edge of an established residential neighborhood. Office and commercial uses exist across Vance Jackson just west of the subject property. The applicant is requesting the aforementioned variances to erect an on-premise sign for his law office that would not meet the required standards.

Intent and Authority:

Sec. 28-239(e). Sign height and area. States that the expressway standards set out in Tables 2 and 3 shall also apply to lots within five hundred (500) feet of an expressway where said lots do not have frontage on an expressway. If an expressway sign is erected on a lot which does not have expressway frontage, said sign shall be setback a minimum of one hundred (100) feet from

the nearest street easement or right-of-way and a minimum of two hundred (200) feet from the nearest residential zone.

Sec. 28-246. Appeals and variances to Article IX of Chapter 28 of the City Code. Variance requests shall be made in accordance with section 247 of Chapter 28. *No variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.*

Sec. 28-247. Variance and appeals procedures. The board may recommend that a variance be granted from the application of Article IX, On-Premises Signs, if it finds that:

1. The variance is necessary because strict enforcement would prohibit any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site (dimensions, landscaping or topography), or
2. A denial would probably cause a cessation of legitimate longstanding active commercial use of the property.

Additionally, after finding one or both of the above parameters, the Board must also find that:

1. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
2. Granting the variance will not have a substantially adverse impact upon neighboring properties; and
3. Granting the variance will not substantially conflict with the stated purposes of this article.

Staff Recommendation: Although the subject property does meet the requirement for expressway standards, in that it falls within 500 feet of the expressway, it does not meet the parameters specifically outlined to allow these standards. Staff is concerned with the orientation of the proposed sign in relation to the neighboring residential zones. Further, staff holds that adequate signage is being made, and can be made, for this property. Therefore, staff is recommending **denial** of the requested variances.

Case Manager/Project Planner: Mike Farber, Planner (210) 207-3074

Other Staff Contacts: David Simpson, Chief Sign Inspector (210) 207-8289

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-08-053

Property Address: 4018 Vance Jackson

Zoning: C-1

Hearing Date: 11/17/08

Type / Scope of BOA Request:

1) a 172-foot variance from the requirement that on-premise signs be at least 200 feet from residential zoning districts, in order to achieve highway standards, and 2) a 65-foot variance from the requirement that on-premise signs sit at least 100 feet from a street right-of-way in order to achieve highway standards

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Dellview Area Neighborhood Association

Neighborhood or Community Plan: Greater Dellview Area Community Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The subject property is designated low density residential on the Land Use Plan. A low density residential neighborhood is located adjacent to the south and east of the property. Commercial uses are to the north and high density residential to the west.

Improving neighborhood appearance and complying with City codes are both emphasized in the Greater Dellview Area Community Plan. Specifically, Goal 3 in the Economic Development Chapter of the community plan, states: "Proactively promote best urban planning practices and ensure commercial environments that are clean, safe, attractive, compliant with city codes, and respectful of adjacent neighborhood residential uses." In addition, Goal 6 from the Housing and Neighborhoods Chapter states: "Ensure neighborhood compliance with basic City codes and work toward the beautification of private and public spaces."

The third point (c) to the Purposes of Article IX of Chapter 28 is "to promote harmony and order in the on-premises signs along the city's streets by recognizing the relationship between the scale and function of a particular street and its on-site premises signs, and ensuring that this relationship is sensitive to the surrounding neighborhood."

Given the subject parcel's proximity to a residential neighborhood, the goals of the Community Plan to promote an improved neighborhood appearance and compliance with city codes, and an intent of the sign standards to enhance the visual environment around neighborhoods, staff recommends denial of requested variances.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request _____

Deny Request X

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Andrea Gilles, Sr. Management Analyst

Date Review Completed: November 2, 2008

JACKSON

ROAD

BEING A RE-SUBDIVISION OF LOTS 1 TO 20 INCL., BLK. 7,
N.C.B. 10994, & LOTS 18, 20 TO 38 INCL., BLK. 8, N.C.B.
10995, GREENHILL VILLAGE SUBD. UNIT 1, BEXAR COUNTY,
SAN ANTONIO, TEXAS.

SUBDIVISION PLAT

O.C.L. 17
UNPLATTED

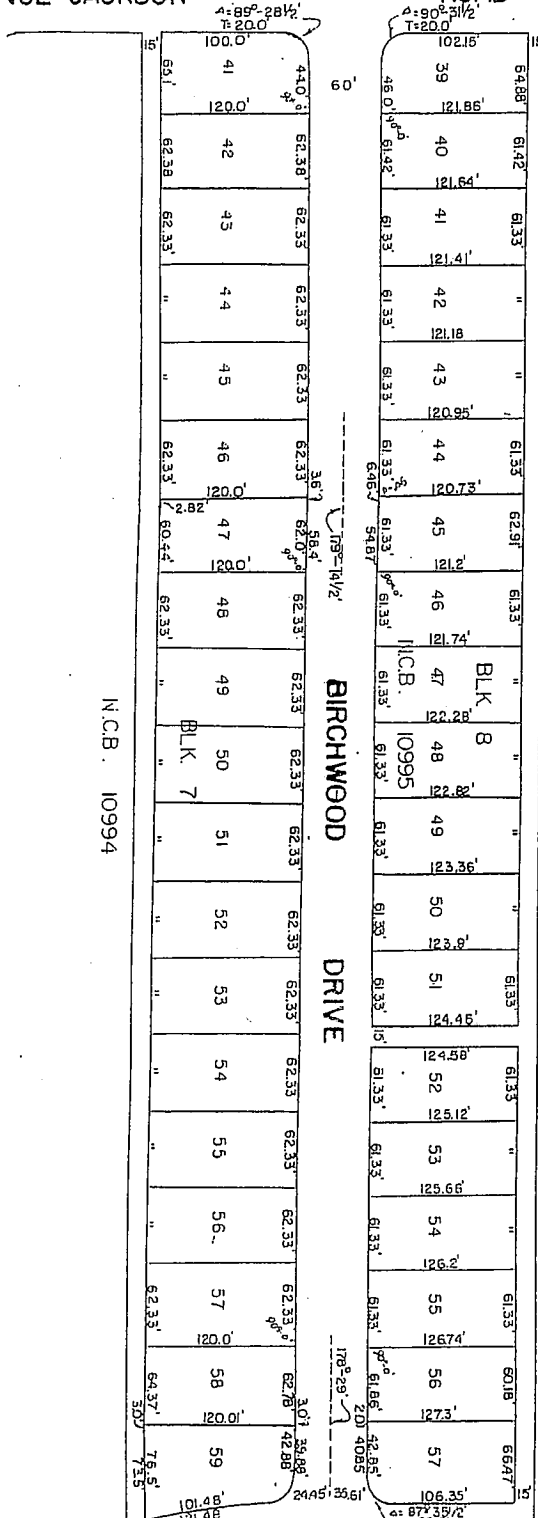
N.C.B. 10994

BIRCHWOOD DRIVE

DRIVE

DRIVE

SCALE 1" = 100'



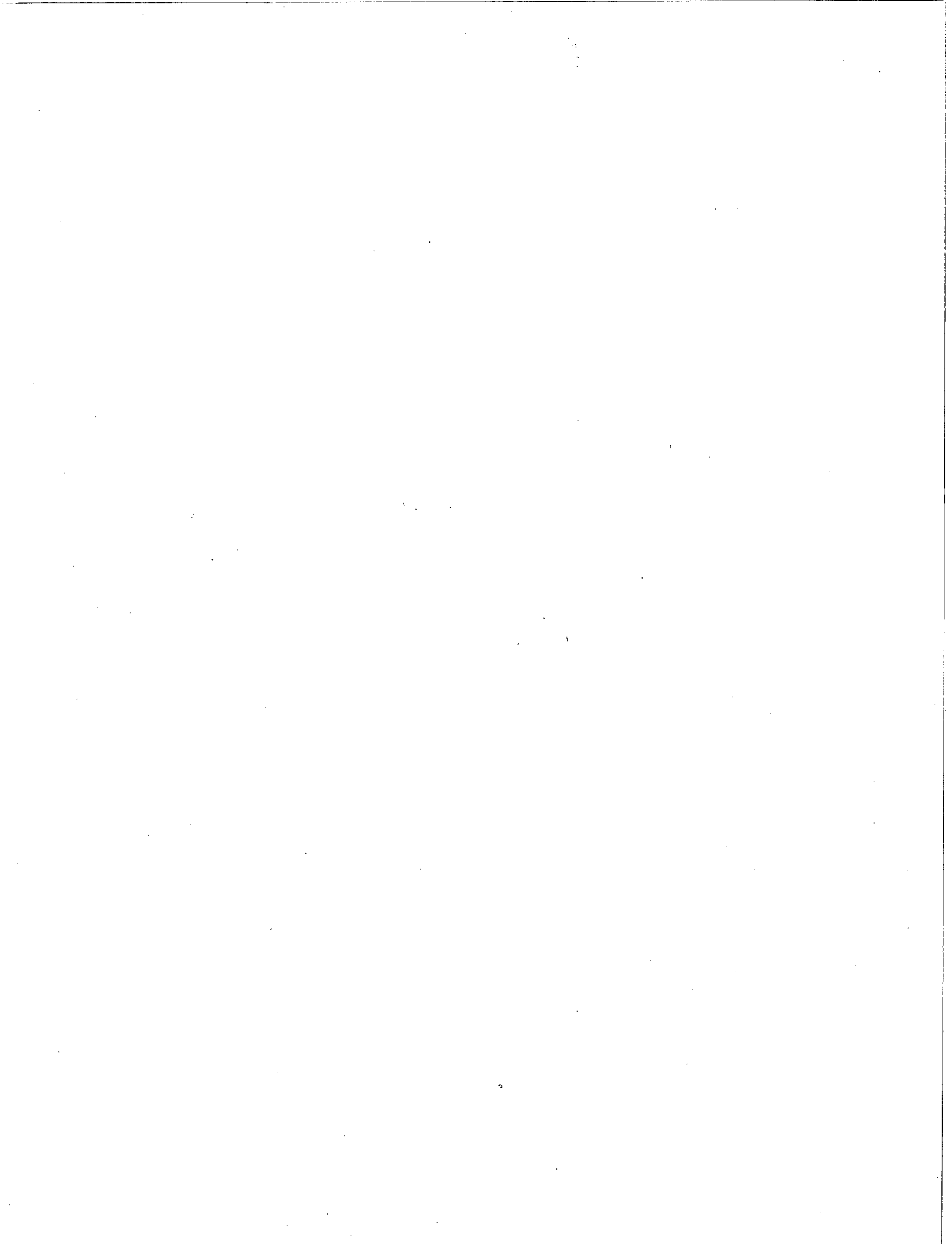
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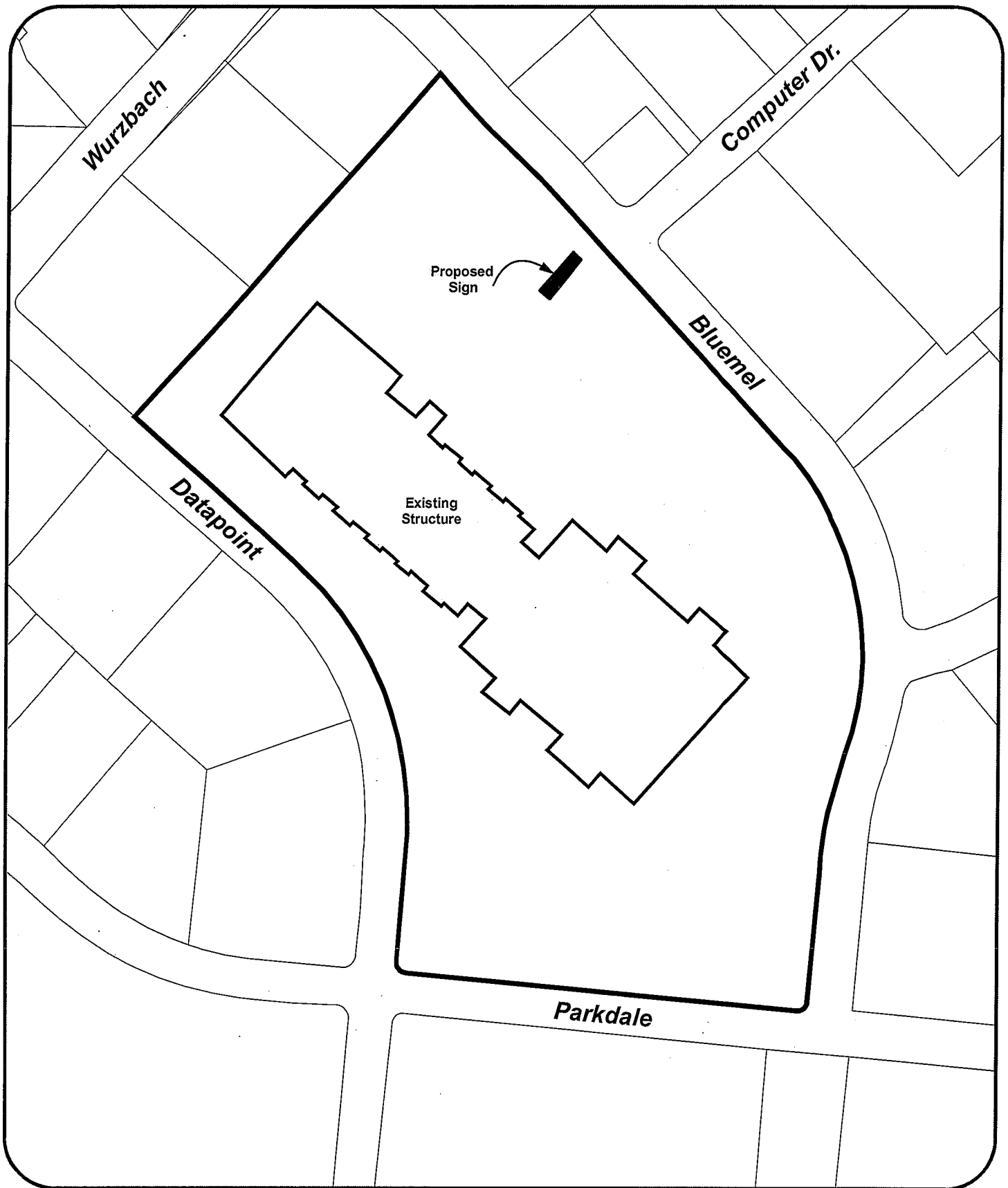
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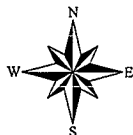
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Board of Adjustment

**Plot Plan for
Case A-08-096**



Scale: 1" approx. = 150'
Council District 8

9729 Datapoint

City of San Antonio
Planning and Development Services Department
(10/27/2008)
R.R.M.

Board of Adjustment - Case No. A-08-096

November 17, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 17, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – The University of the Incarnate Word
Lots P-71D, P-71E, P-71M, P-101, and P-102, NCB 14446
9729 Datapoint Drive
“C-3” General Commercial District

The applicant is requesting a 17-foot variance from the requirement that an on-premise, multi-tenant sign fronting an Arterial B street classification be no taller than 32 feet tall, in order to erect a 49-foot tall free standing on-premise sign.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

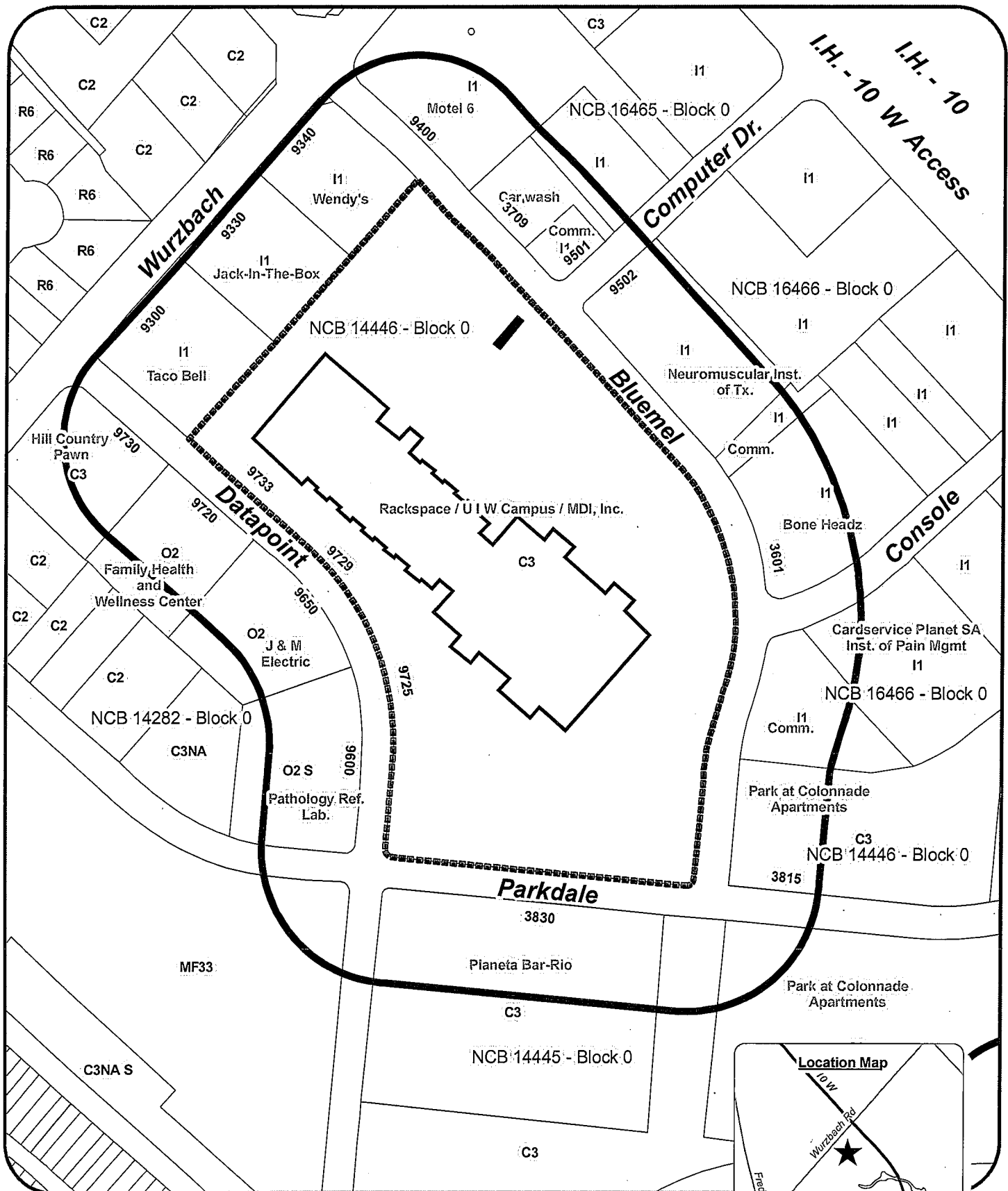
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

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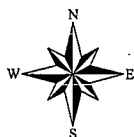
() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-096

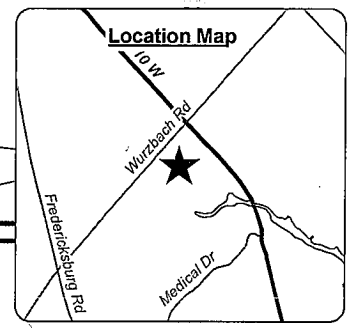


Board of Adjustment
Notification Plan for
Case A-08-096



Legend

Subject Property
 200' Notification Buffer
 Scale: 1" approx. = 200'
 Council District 8



City of San Antonio
 Planning and Development Services Department
 (10/27/2008)
 R.R.M.

CASE NO: A-08-096

Board of Adjustment – November 17, 2008

Applicant: The University of the Incarnate Word

Owner: Data Rose Limited Partnership

Request(s): The applicant is requesting a 17-foot variance from the requirement that an on-premise, multi-tenant sign fronting an Arterial B street classification be no taller than 32 feet tall, in order to erect a 49-foot tall free standing on-premise sign.

Legal Description: Lots P-71D, P-71E, P-71M, P-101, and P-102, NCB 14446

Address: 9729 Datapoint Drive

Zoning: "C-3" General Commercial District

Existing Use: University Campus

Neigh. Assoc: None

Neigh. Plan: None

Section of the City Code from which this variance is requested:

28-239(d); Free-standing multi-tenant on-premise signs on properties fronting on an Arterial "Type B" are limited to 32 feet in height and 250 square feet of sign face area.

Background: Data Rose Limited Partnership, represented by The University of the Incarnate Word, is requesting the above named variance in order to erect an on-premise sign for the University of the Incarnate Word, which does not meet the required standards. Chapter 28, Section 239, Table 3, sets a maximum sign height of 32 foot for an on-premise, multi-tenant sign on this street.

The subject property is a 12.455-acre lot that fronts Datapoint Road, a connector road off of Wurzbach Parkway. The subject property is located just west of IH-10 on the city's northwest side, and is bound by Datapoint to the west, Wurzbach Road to the north, Parkdale to the south, and Bluemel to the east. The proposed sign location is off of Bluemel, southwest of the intersection with Computer Drive, and would be oriented toward IH-10 West. Office and commercial uses exist on all sides of the subject property. In April of 2005 the Board of Adjustment approved a variance from the maximum multi-tenant sign face area of 250 square feet, allowing a 420 square-foot multi-tenant sign on the site to front Datapoint.

Intent and Authority:

Chapter 28, Section 28-239. Sign height and area. Establishes limits for a maximum allowable overall free-standing, multi-tenant sign height of 32 foot for this street classification.

Sec. 28-246. Appeals and variances to Article IX of Chapter 28 of the City Code. Variance requests shall be made in accordance with section 247 of Chapter 28. No variance shall be

granted that would *eliminate the distinctions* between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.

Recommendation: Staff does not find that this property was intended to be eligible to brand signage to the expressway. Therefore, staff recommends **denial** of the proposed variance.

Case Manager/Project Planner: Jacob Floyd, Planner (210) 207-8318

Additional Staff Contacts: David Simpson, Chief Sign Inspector (210) 207-8289

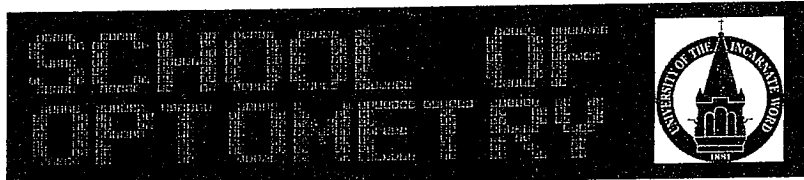


LOCATION FOR PROPOSED SIGN

McCHESNEY ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN

7' 3 1/2"

34' 2 1/2"



YESCO

33 MM

FULL COLOR RGB UNIT

64 X 312 MATRIX

7' 3 1/2" X 34' 2 1/2" CABINET SIZE

20" PIPE

30" PIPE

49'



SIGN DETAIL

SCALE: 1/8" = 1'

SELL with TEXAS SIGNS!

SCALE: NOTED

CUSTOMER: INCARNATE WORD

LOCATION: 4301 BROADWAY, SA. TX.



Member of:



QUALITY SIGNS
SINCE 1925

DATE: 10-16-08

S/O#: X

DESCRIPTION: PYLON

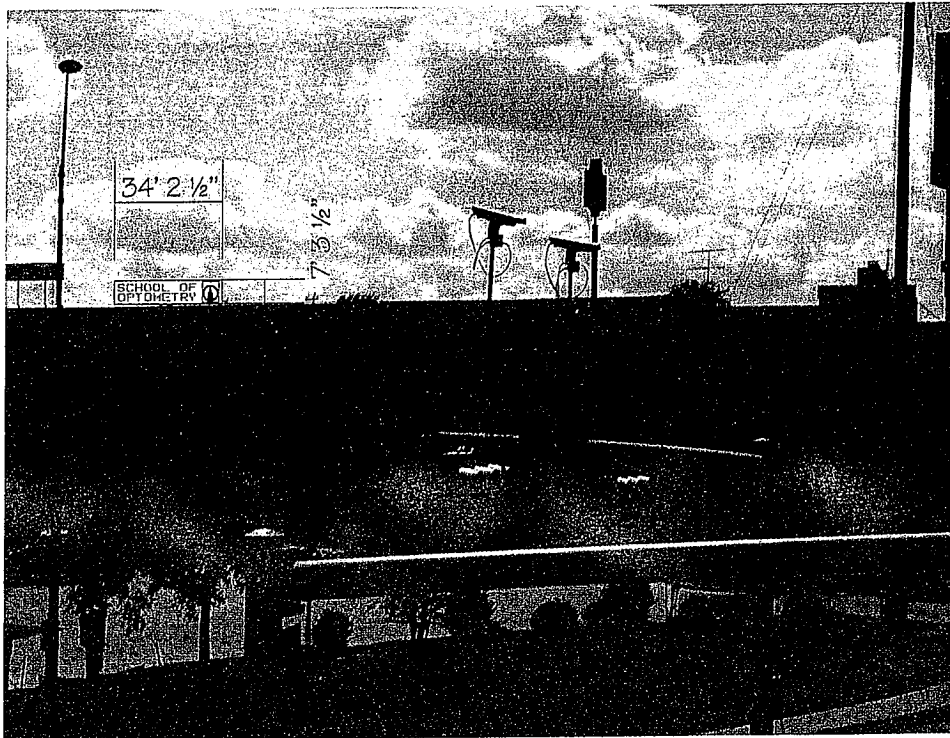
DESIGN #: UIW_IV

DESIGNER: BEN GARZA

SALES REP: MIKE RYAN

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF TEXAS NEON ADVERTISING CO. AND THE INFORMATION SHOWN MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM TEXAS NEON ADV. CO. ALL RIGHTS RESERVED.
*PRIMARY WIRING OF ADEQUATE 110 VOLT CIRCUIT TO SIGN FURNISHED AND CONNECTED BY CLIENTS.

eMail: signs@texasneonadv.com
245 W JOSEPHINE - SAN ANTONIO, TX 78212
(210) 734-6694 FAX (210) 734-6697



SCALE: 1/64" = 1'

SIGN @ 49 feet overall height

SELL with TEXAS SIGNS!

SCALE: NOTED

CUSTOMER: INCARNATE WORD

LOCATION: 4301 BROADWAY, SA. TX.

Member of:



DATE: 10-17-08

S/O#: X

DESCRIPTION: PYLON

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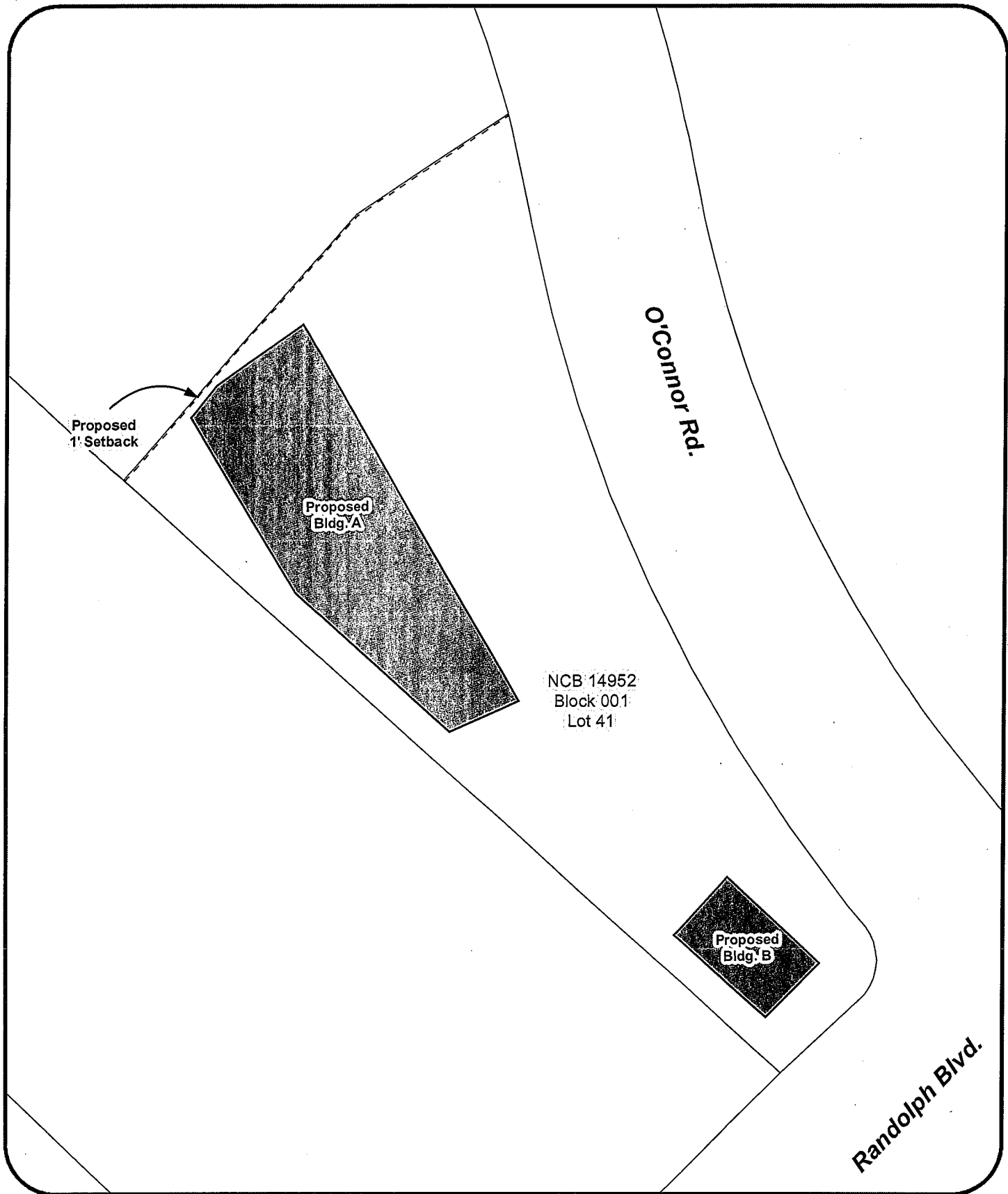
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SALES REP: MIKE RYAN

QUALITY SIGNS
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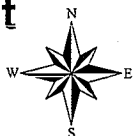
eMail: signs@texasneonadv.com
245 W JOSEPHINE - SAN ANTONIO, TX 78212
(210) 734-6694 FAX (210) 734-6697

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*PRIMARY WIRING OF ADEQUATE 110 VOLT CIRCUIT TO SIGN FURNISHED AND CONNECTED BY CLIENTS.



Board of Adjustment

**Plot Plan for
Case A-08-108B**



Scale: 1" approx. = 60'
Council District 10

11303 O'Connor

City of San Antonio
Planning & Development Services Dept.
(10/29/2008) - PH

Board of Adjustment - Case No. A-08-108 B

November 17, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 17, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Villa Park Architecture

Lot 41, Block 1, NCB 14952

11303 O'Connor Road

Zoned: "C-3 IH-1" General Commercial Northeast Gateway Corridor Overlay District

The applicant is requesting a 19-foot variance from the Northeast Gateway Corridor Overlay District requirement that a minimum 20-foot side setback be maintained, in order to erect a structure 1 foot from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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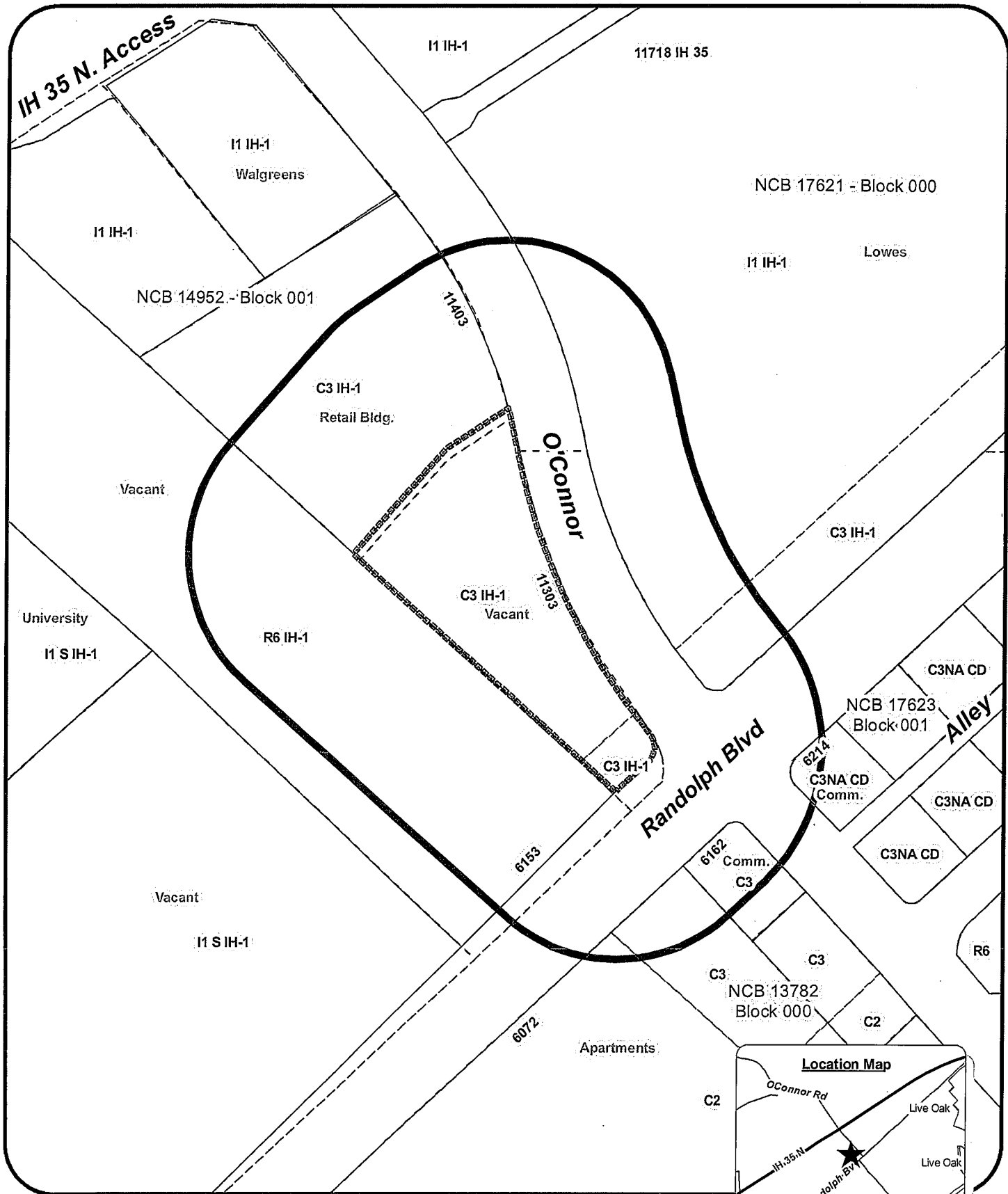
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

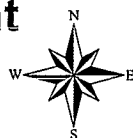
() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-108 B

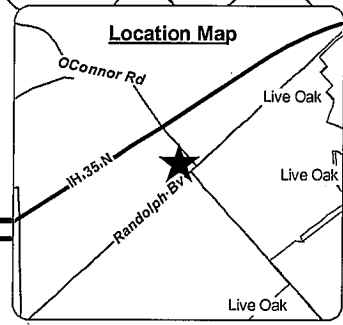


Board of Adjustment
Notification Plan for
Case A-08-108B



Legend

Subject Property 
 200' Notification Buffer 



Scale: 1" approx. = 150'
 Council District 10

City of San Antonio
 Planning & Development Services Dept.
 (10/29/2008) - PH

CASE NO: A-08-108 B

Board of Adjustment – November 17, 2008

Applicant: Villa Park Architecture

Owner: John P. Hooten

Request(s): The applicant is requesting a 19-foot variance from the Northeast Gateway Corridor Overlay District requirement that a minimum 20-foot side setback be maintained, in order to erect a structure 1 foot from the side property line.

Legal Description: Lot 41, Block 1, NCB 14592

Address: 11303 O'Connor

Zoning: "C-3 IH-1" General Commercial Northeast Gateway Corridor Overlay District

Existing Use: Vacant

Neigh. Assoc: None

Neigh. Plan: None

Section of the City Code from which this variance is requested:

Northeast Gateway Corridor Overlay District Site Development Standards: All front, side, and rear building setbacks for lots within the Corridor District but not along IH-35 shall be a minimum of 20 feet.

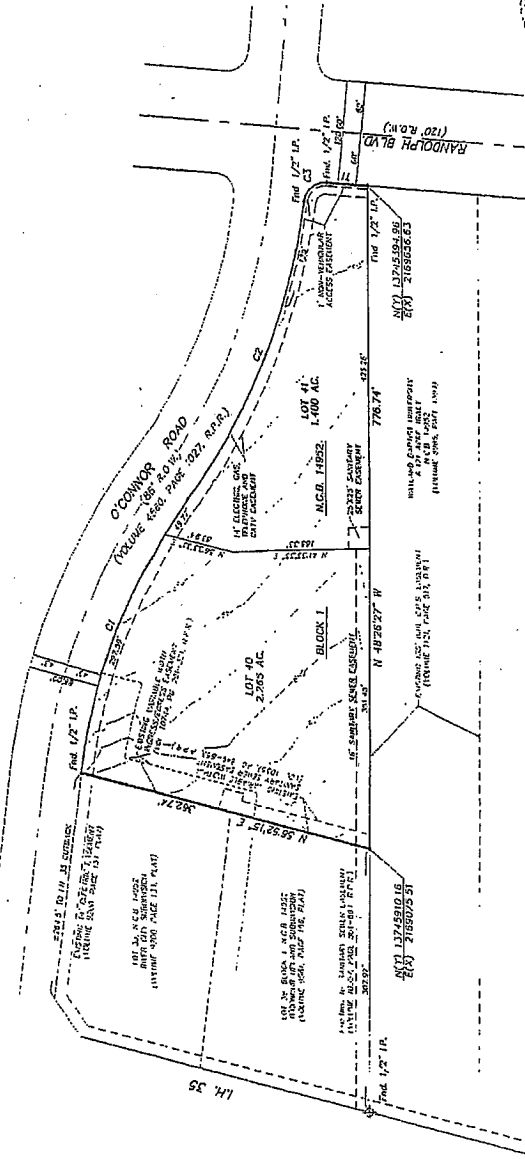
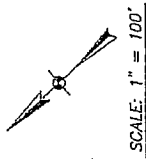
Background: The property is located on the corner of O'Connor Road and Randolph Boulevard, just east of IH 35 North. The subject property is currently vacant and is zoned C-3. Commercial zoning and uses account for the majority of uses surrounding the subject property, save the residentially zoned parcel to the west, which currently serves as an electric transmission line easement. A Lowes Home Improvement Store sits to the east across O'Connor Road, and a commercial strip center sits to the north. The applicant is seeking a variance from the side setback requirement in order to erect a retail building that would encroach into the required 20 foot side setback. At the October 20, 2008 Board of Adjustment Public Hearing, the Board approved a 15-foot rear yard setback variance on the subject property (Case #A-08-108).

Recommendation: The overall purpose of the Gateway Corridor Overlay District is to preserve, protect and enhance areas of high tourist and visitor visibility and safeguard San Antonio's heritage by preventing the despoliation of views of areas and buildings that reflect important elements of the City's cultural, natural, historic and economic fabric. The specific intent of the 20-foot side setback requirement is to reduce visual chaos and limit driver distraction along public roadways by preventing the overcrowding of lots and maintaining a reasonable amount of open space. The Corridor Overlay District requirements were developed primarily for properties with frontage on IH-35 and properties with frontage on secondary roads that provide access to the interstate or are visible from the interstate. Although the portion of O'Connor Road that the subject property occupies does intersect with IH-35, the property itself is not highly visible from the interstate, and the granting of the requested variance would not appear to detract from the intent of the Northeast Gateway Corridor Overlay District. Staff is therefore recommending **approval** of the requested variance.

Case Manager/Project Planner: Mike Farber, Planner (210) 207-3074

LINE TABLE		
NO.	BEARING	LENGTH
11	S 47° 12' 59" W	49.85'

CURVE TABLE						
NO.	RADIUS	DELTA	TANGENT	LENGTH	CHORD	CHORD BEARING
C1	657.00'	301°13'	177.81'	342.35'	343.13'	S 26°21'50" E
C2	741.00'	241°50"	193.86'	379.27'	375.17'	S 25°50'29" E
C3	25.00'	87°45'53"	74.04'	38.29'	34.66'	S 03°25'03" W



SUBDIVISION PLAT
ESTABLISHING
3.66 O'CONNOR SUBDIVISION

BEING 3.665 ACRES OUT OF THE JOSEPH F.A. SCOTT SURVEY NO. 323, SAN ANTONIO, BEXAR COUNTY, TEXAS AND ESTABLISHING LOTS 40 AND 41, BLOCK 1, N.C.B. 14952 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

- NOTES:
1. ALL CORNERS ARE SET 1/2" RED PINS WITH RED CANS PLACED THEREIN. CORNERS ARE SETS OFFSIDE NOTED.
 2. BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83, ZONE 10A.
 3. THE CORNERS ARE SET AND PLACED ON THE INTERSECTION OF THE CENTERLINE OF THE HIGHWAY, RTH 103, AND THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 4. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 5. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 6. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 7. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 8. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 9. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.
 10. THE CORNERS ARE SET ON THE 100' WIDE ADJACENT STRIP OF LAND TO THE WEST OF THE HIGHWAY.

NO BUILDING PERMIT WILL BE ISSUED FOR THIS PLATTED PROPERTY UNTIL A DETENTION DESIGN HAS BEEN APPROVED BY OSD-STREETS & DRAINAGE.

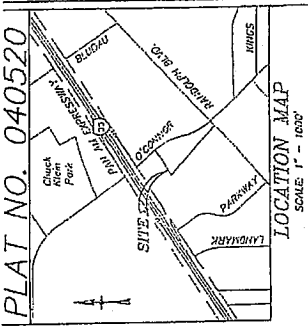
NOTE: THE MAINTENANCE OF THE DETENTION POND OR PRIVATE EASEMENT SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS OR HOME OWNERS ASSOCIATION, THEIR SUCCESSORS OR ASSIGNS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO AND/OR BEXAR COUNTY, TEXAS.

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES, UNITED STATES OF AMERICA:

THE NEW YORK TIMES, NEW YORK, MAY 10, 1968, PAGE 1.



**OVERBY
DESCAMPS
ENGINEERS**

[illegible]

STATE OF TEXAS
COUNTY OF BEXAR

[illegible]

STATE OF IOWA
COUNTY OF DEKALB

[illegible]

STATE OF TEXAS
COUNTY OF DEXAR

A HONORARY CERTIFICATE OF MERIT FOR DISTINGUISHED CONTRIBUTION HAS BEEN BESTOWED UPON YOU FOR YOUR SERVICE TO THE PEOPLE OF THE UNITED STATES AND YOUR CONTRIBUTION TO THE WELL-BEING OF THE NATION. YOUR SERVICE HAS BEEN RECOGNIZED BY THE UNITED STATES GOVERNMENT AND YOUR NAME IS NOW A PART OF THE NATIONAL ARCHIVES. YOUR SERVICE HAS BEEN RECOGNIZED BY THE UNITED STATES GOVERNMENT AND YOUR NAME IS NOW A PART OF THE NATIONAL ARCHIVES.

STATE OF TEXAS
COUNTY OF BELL

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE DATED UNDER MY SUPERVISION

THIS PLAT OF LEE O'CONNOR SUBDIVISION WAS
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE
CITY OF SAN ANTONIO, TEXAS AND IS HEREOF APPROVED BY SUCH
COMMISSION.

DATED THIS 16. DAY OF NOV 200 A.D.

•

BY: Kathleen E. Smith
SECRETARY

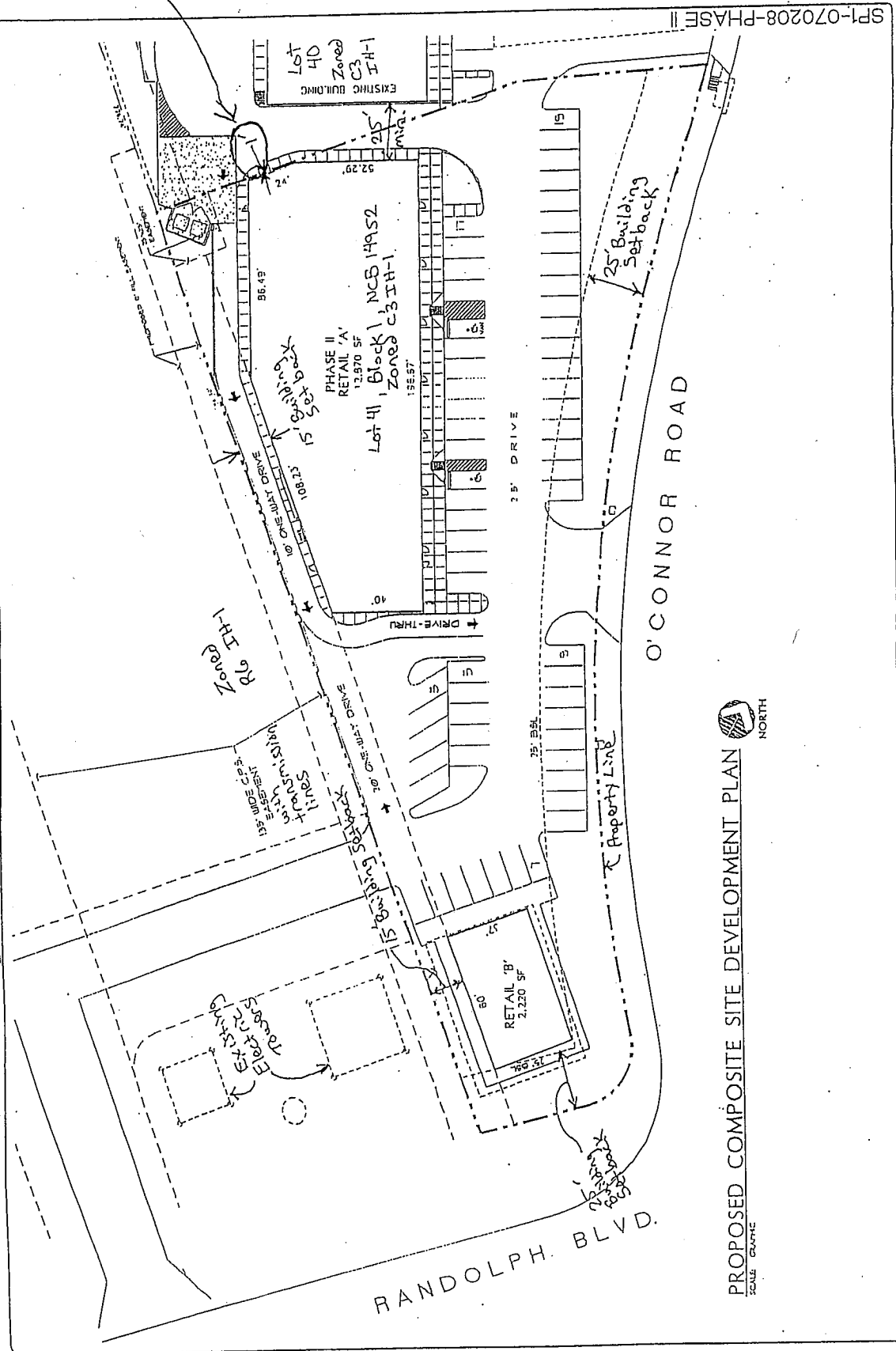
1. Henry

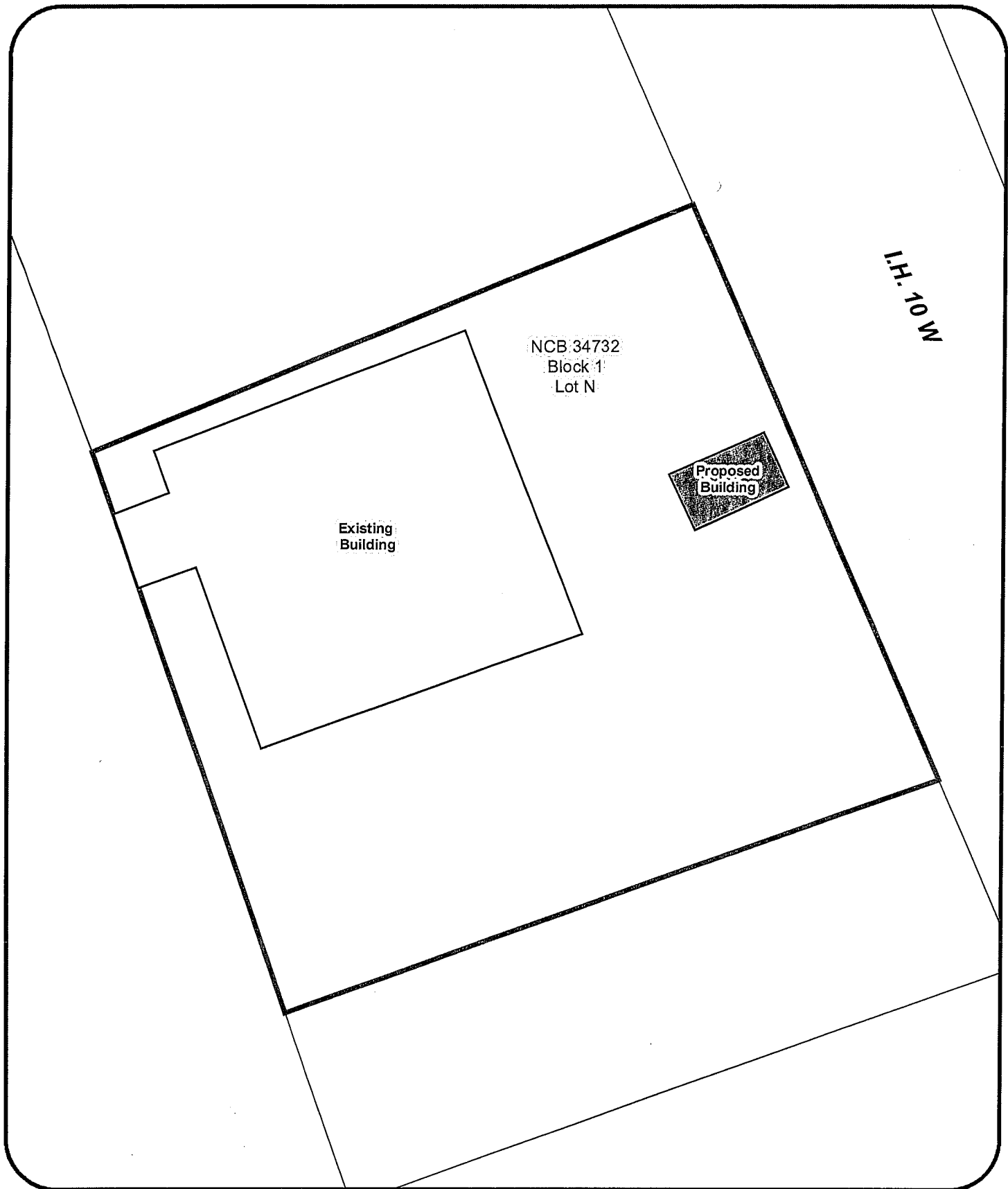
HEREBY CERTIFY THAT THIS 20th DAY OF APRIL A.D. 2005
 OFFICE ON THE 21st DAY OF APRIL A.D. 2005
 RECORDED THE 21st DAY OF APRIL A.D. 2005
 AT 4:49 P.M. IN THE RECORDS OF DEEDS AND PLATS
 OF SAND COUNTY IN BOOK VOLUME 1515 ON PAGE 516
 IN TESTIMONY WHEREOF, WITNESSES MY HAND AND OFFICIAL SEAL
 OFFICE THIS 21st DAY OF APRIL A.D. 2005

000



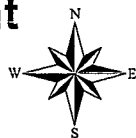
* Applicant is requesting 19' side yard var. to phase bldg (Retail A) 1' from side prop line





Board of Adjustment

**Plot Plan for
Case A-09-004**



Scale: 1" approx. = 50'
Council District 8

24135 I.H. 10 W

City of San Antonio
Planning & Development Services Dept.
(10/28/2008) - PH

Board of Adjustment - Case No. A-09-004

November 17, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 17, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Christopher Erck

The north irregular 242.27 feet of Lot 10, Block 1, NCB 34732E

24135 West IH-10 West

Zoned: "C-3 GC-1" General Commercial Hill Country Gateway Corridor District

The applicant is requesting a **1) Special Exception** for the relocation of a building from 23361 IH-10 West to 24135 IH-10 West and **2) a variance** from the Hill Country Gateway Corridor District Plan requirement that the exterior surfaces of primary and accessory buildings that are located within the corridor district boundaries, and that are visible from IH-10, consist of one of the permitted materials specified by the Hill Country Gateway Corridor District Plan (*Building Materials – Permitted*), in order to relocate a structure with wood siding exterior surfaces.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

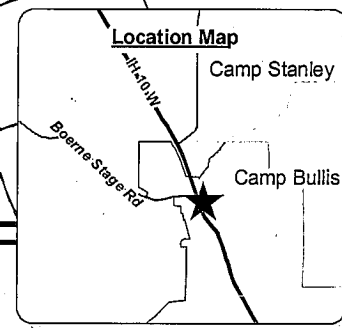
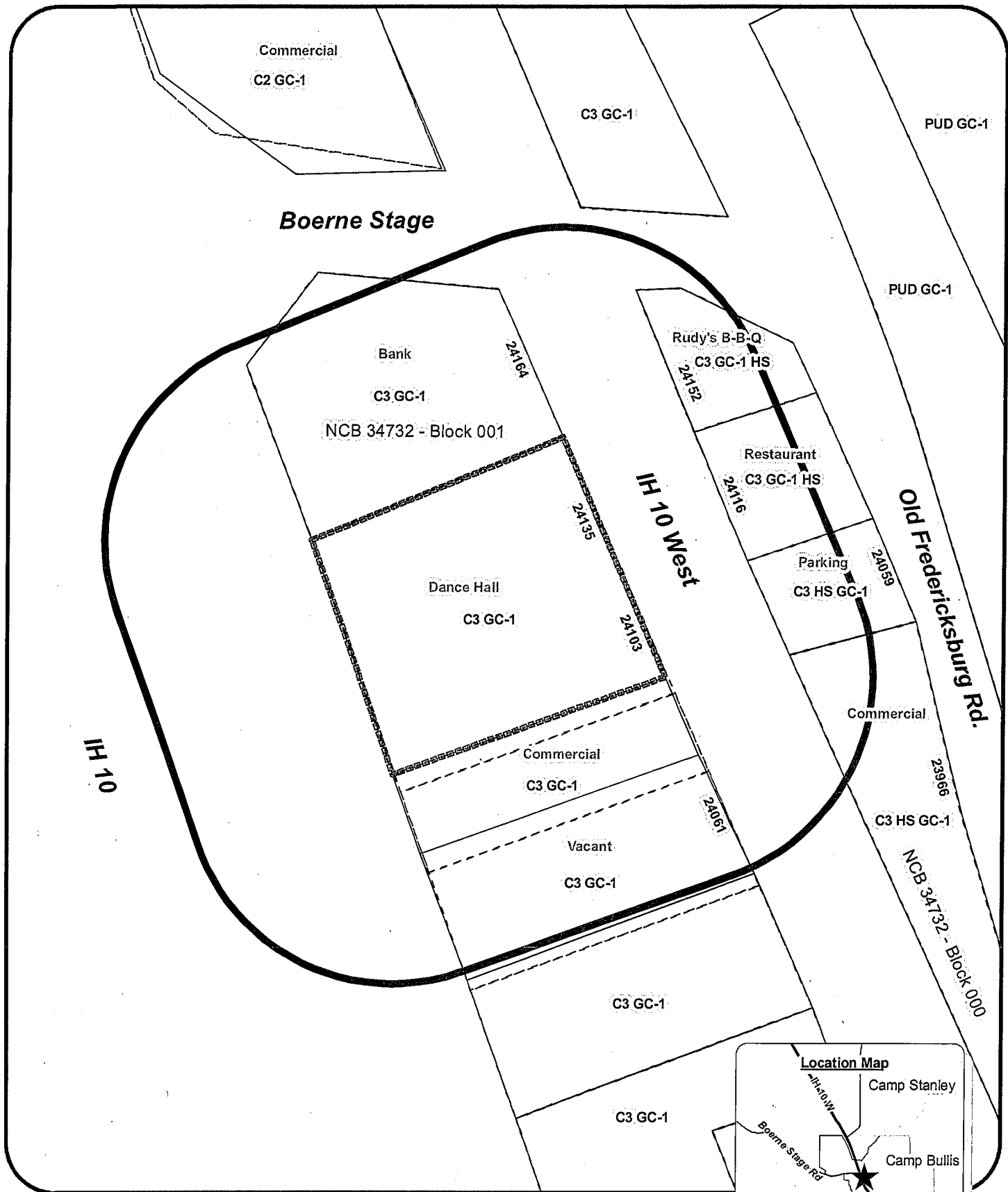
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

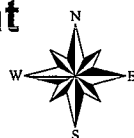
Comments/Comentarios: _____

A-09-004



Board of Adjustment

Notification Plan for
Case A-09-004



Legend

Subject Property 
200' Notification Buffer 

Scale: 1" approx. = 120'
Council District 8

City of San Antonio
Planning & Development Services Dept.
(10/28/2008) - PH

CASE NO: A-09-004

Board of Adjustment – November 17, 2008

Applicant: Christopher Erck

Owner: Christopher Erck

Request(s): The applicant is requesting a 1) Special Exception for the relocation of a building from 23361 IH-10 West to 24135 IH-10 West and 2) a variance from the Hill Country Gateway Corridor Overlay District Plan requirement that the exterior surfaces of primary and accessory buildings that are located within the corridor district boundaries, and that are visible from IH-10, consist of one of the permitted materials specified by the Hill Country Gateway Corridor Overlay District (*Building Materials – Permitted*), in order to relocate a structure with wood siding exterior surfaces.

Legal Description: The north irregular 242.27 feet of Lot 10, Block 1, NCB 34732E (Leon Springs Development Subdivision "IH 10 W/Dominion" Annexation)

Address: 24135 West IH-10 West

Zoning: "C-3 GC-1" General Commercial Hill Country Gateway Corridor Overlay District

Existing Use: Leon Springs Dance Hall

Neigh. Assoc: None

Neigh. Plan: None

Section of the City Code from which this variance and Special Exception are requested:

35- 399.03 Relocation of Buildings and Structures: The relocation of any residential building or structure shall not be undertaken unless and until a special exception is approved by the Board of Adjustment.

Hill Country Gateway Corridor Overlay District Site Development Standards: The exterior surfaces of primary buildings and accessory buildings located within the corridor district that are visible from IH-10 must consist of a material listed under *Building Materials – Permitted*.

Background: The subject property is located between IH-10 and the IH-10 West frontage road, near the corner of IH-10 West and Boerne Stage Road. The lot is currently occupied by the Leon Springs Dance Hall and is surrounded by commercial zoning and uses. The structure to be relocated is proposed to be used as a detached dining room for a restaurant. Originally the structure was a single-family residence, but has been vacant for a number of years.

Recommendation: The following attributes characterize the majority of structures in the surrounding area:

- Rock or Metal Siding
- Flat, Shed, or Gabled Roof
- 1 or 2 Story
- Structures aged greater than 40 years

Staff finds the structure proposed to be relocated to be of a similar style and age to the existing structures in the surrounding area. As a condition of this Special Exception request, the applicant has agreed to make all repairs necessary to bring the structure into compliance with all applicable City Codes within 90 days, as per Section 6-137 of the City Code. Staff recommends **approval** of the Special Exception.

The intent of the Hill Country Gateway Corridor Overlay District Development Standards is to preserve, protect and enhance areas of high tourist and visitor visibility and safeguard San Antonio's heritage by preventing the despoliation of views that reflect important elements of the City's cultural, natural, historic and economic fabric. The overall character of the surrounding area is such that the buildings by and large are not finished utilizing uniform exterior materials, but instead vary. Additionally, the proposed positioning of the structure places it so that it is almost completely screened from the view of traffic on IH-10. Staff recommends **approval** of the requested variance.

Case Manager/Project Planner: Jacob Floyd, Planner (210) 207-8318

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-09-004

Hearing Date: .

Type / Scope of BOA Request:

Applicant is requesting a special exception to allow the relocation of a building from 23361 IH-10 to 24135 IH-10.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association (name or n/a): None

Neighborhood or Community Plan (name or n/a): None

Neighborhood Conservation District (name or n/a): None

Corridor Overlay District (name or n/a): Hill Country Gateway Corridor GC-1

ANALYSIS STATEMENT

The applicant is requesting a special exception to allow the relocation of an existing structure from 23361 IH-10 to 24135 IH-10. Based on Bexar County Appraisal District and City of San Antonio aerial photography there is an existing structure and parking lot on the proposed property. The subject structure is 900 square feet with wood siding.

The overall purpose of the corridor overlay districts is to preserve, protect and enhance areas of high tourist and visitor visibility and safeguard San Antonio's heritage by preventing the despoliation of views of areas and buildings that reflect important elements of the City's cultural, natural, historic and economic fabric. The gateway corridor addresses multiple site design considerations that contribute to a more subtle and aesthetically pleasing experience for motorists. As a commercial restaurant proposal and in order to comply with the Corridor regulations conformance with the following standards is required:

LANDSCAPING:

In addition to the mandatory landscaping requirements, landscape plans are required to earn a minimum of 85 points as awards for elective requirements

PERMITTED BUILDING MATERIALS:

The following material lists may be chosen to apply to the exterior surfaces of primary buildings and accessory buildings located within the corridor district that are visible from IH-10. To the greatest extent feasible, building materials shall be used that are compatible with the existing properties located in a corridor district or to portray the corridor theme.

- Masonry consisting of stone, brick, glass block, or decorative concrete panel.
- Glass curtain wall consisting of seventy percent (70%) or less glass or combination of glass, metal, or other material in a metal framework.
- Brick or brick veneer.
- Stucco or concrete masonry unit.
- Cement fiber board.
- Other appropriate materials approved by the Board of Adjustment.

Brick, brick veneer, stone, concrete masonry, cementitious stucco may only be painted in earth tone colors. Concrete finish must be profiled, sculptured, fluted, exposed aggregate or other architectural concrete finish. The structure is an existing wood structure. The Leon Springs Dance Hall is an existing tin-clad building located on the subject property and will provide a significant amount of visual screening for motorists traveling on IH-10. There are also a number of existing wood structures adjacent to the proposed location. The wood structure would not appear out of character based on photographs provided by the applicant.

BUILDING AND GROUND-MOUNTED EQUIPMENT:

Elements such as outside storage, off-street loading areas, refuse storage areas, air conditioning and heating equipment, utility boxes, utility pillars, utility vaults, utility cabinets, solar systems and components and microwave and satellite antennas (greater than 2 meters in diameter) are required to be completely screened from public view at ground level at a minimum height of six (6) feet. Screening may be achieved by construction of a solid wall of rock, stone, stucco, or brick with wooden gates, evergreen plant materials with irrigation, or landscaped earthen berm. Walls are encouraged to remain unpainted and natural in appearance, however if painted, painting shall be limited to earth tone colors. Screening would be required, under the Corridor standards for any proposed equipment.

LIGHTING:

a. Exterior lighting fixtures for entrances, parking lots or walkways shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of ninety degrees (90°). Any structural part of the fixture providing this cut-off angle shall be permanently affixed. b. Lighting of building exteriors (uplighting or downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky. Flood lamps should be shielded so that the light sources are not visible from a public right-of-way.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request _____

Deny Request _____

Alternate X

Explain: Approval upon provision of a site plan, drawings, or manufacturer's specification sheets illustrating compliance with the Corridor standards

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Tyler Sorrells

Date Review Completed: 10/23/2008

BOARD OF ADJUSTMENT

Special Exception for Relocation

Case #: A-09-004

Proposed Relocation
FROM: 23361 IH 10 W
TO: 24135 IH 10 W

Meeting Date:
November 17, 2008

Compatibility Standard	Existing Condition	Applicant's Proposed Condition
Lot Size	Range: 121,532 - 12,196 SF	68,084 SF
Structure Age	Range: 2 - 62	50+ Years
	Average: 33	
Structure Size	Range: 2217 - 18258 SF Average: 6482 SF	900 SF
Structure Height	Range: 1 - 2 story	1 story
Setbacks (Front)	Range: 0 - 60ft	Approximately 20ft
Structure Width (front facade)	Range: 20 - 100ft	24ft
Garage/Carport Location & Setback	N/A	N/A
Front Entry, Porch, Walkway	Facing Parking Lot or Street	Facing Parking Lot
Windows (front facade)	Number: 0 - 7	1
	Type: Vertical and Horizontal	Vertical
Building Materials	Exterior siding: Wood, Rock, Metal Roofing: Metal, Tar Paper,	Horizontal Wood Siding
Foundation Type	Concrete Slab, Pier and Beam	Pier and Beam

BOARD OF ADJUSTMENT
Special Exception for Relocation

Case #: A-09-004

Proposed Relocation
FROM: 23361 IH 10 W
TO: 24135 IH 10 W

Meeting Date:
November 17, 2008

Compatibility Standard	Existing Condition	Applicant's Proposed Condition
Roof Line/Pitch	Gabled, Shed, Flat	Gabled
Impervious Cover %		
Sidewalk Width/ Placement, Greenway	None	None
Curb Cut & Driveway Width	Double Width, Parking Lots	Parking Lot
Fencing	Existing 6ft tall wire fence	Existing 6ft tall wire fence

INSPECTOR'S REPORT

Structurally Sound to Be Moved:

☒ YES

☐ NO

1. FROM 23361 1410 W 2. TO 24135 1410 W

3. PRESENT USE: VACANT PROPOSED USE: RESTAURANT ADDITION

4. BUILDING WIDTH: 24' LENGTH: 40' HEIGHT: 15' STORIES: 1

5. ROOF TYPE: SHED _____ GABLE ☒ HIP _____ OTHER _____ CONDITION FAIR

6. BUILDING CONDITION: GOOD _____ FAIR ☒ BAD _____ OUT OF PLUMB _____

7. SILLS: 4x6 UNDER SIZE: _____ OVERSPANNED _____ SUBSTANDARD _____ CONDITION FAIR
Size & span

8. 1ST FLOOR JOISTS: 2x12 UNDERSIZE: _____ PROPERLY SUPPORTED _____ SUBSTANDARD _____
Size & Span
OVERSPANNED _____ NO BLOCKING _____ NO BRIDGING _____ CONDITION FAIR

9. 2ND FLOOR JOISTS: N/A UNDERSIZE: _____ PROPERLY SUPPORTED _____ SUBSTANDARD _____
Size & Span
OVERSPANNED _____ NO BLOCKING _____ NO BRIDGING _____ CONDITION _____

10. STUDS: (1) UNDERSIZE _____ OVERSPACED _____ SUBSTANDARD _____ BLOCKING _____ CONDITION _____
Size & Length

11. HEADERS: (1) PROPERLY SUPPORTED _____ UNDERSIZE _____ CONDITION _____
Size & Length

12. PLATES: SINGLE (1) DOUBLE _____ PROPER LAP _____ SUBSTANDARD _____ CONDITION _____

13. CEILING JOISTS: (1) SUBSTANDARD _____ OVERSPANNED _____ SPLICED _____ CONDITION _____

14. RAFTERS: (1) SUBSTANDARD _____ OVERSPANNED _____ BRACES _____ CONDITION _____
Size & span

15. EXTERIOR WALL COVERING: MATERIAL WOOD NEED PAINT Y NEEDS REPAIR Y CONDITION POOR

16. INTERIOR WALLS: MATERIAL (1) NEED REPAIR _____ NEED RECOVERING _____ CONDITION _____

17. ROOF SHEATHING: CONDITION _____ NEED REPAIR _____ NEED REPLACING ☒

18. ROOF COVERING: MATERIAL METAL CONDITION POOR NEED REPAIR _____ NEED REPLACING ☒

19. PORCHES: NO. 1 NEED REPLACING Y 20. DOORS AND/OR WINDOWS: CONDITION BOARDED UP

21. FLOOR CONDITION: (1) 22. SANITARY FACILITIES: (1) 23. KITCHEN FACILITIES (1)

24. CEILING HEIGHT: (1) 25. FIRE DAMAGE: NO 26. NO. OF ACCESSORY BUILDINGS: NO

TYPE _____ CONDITION _____

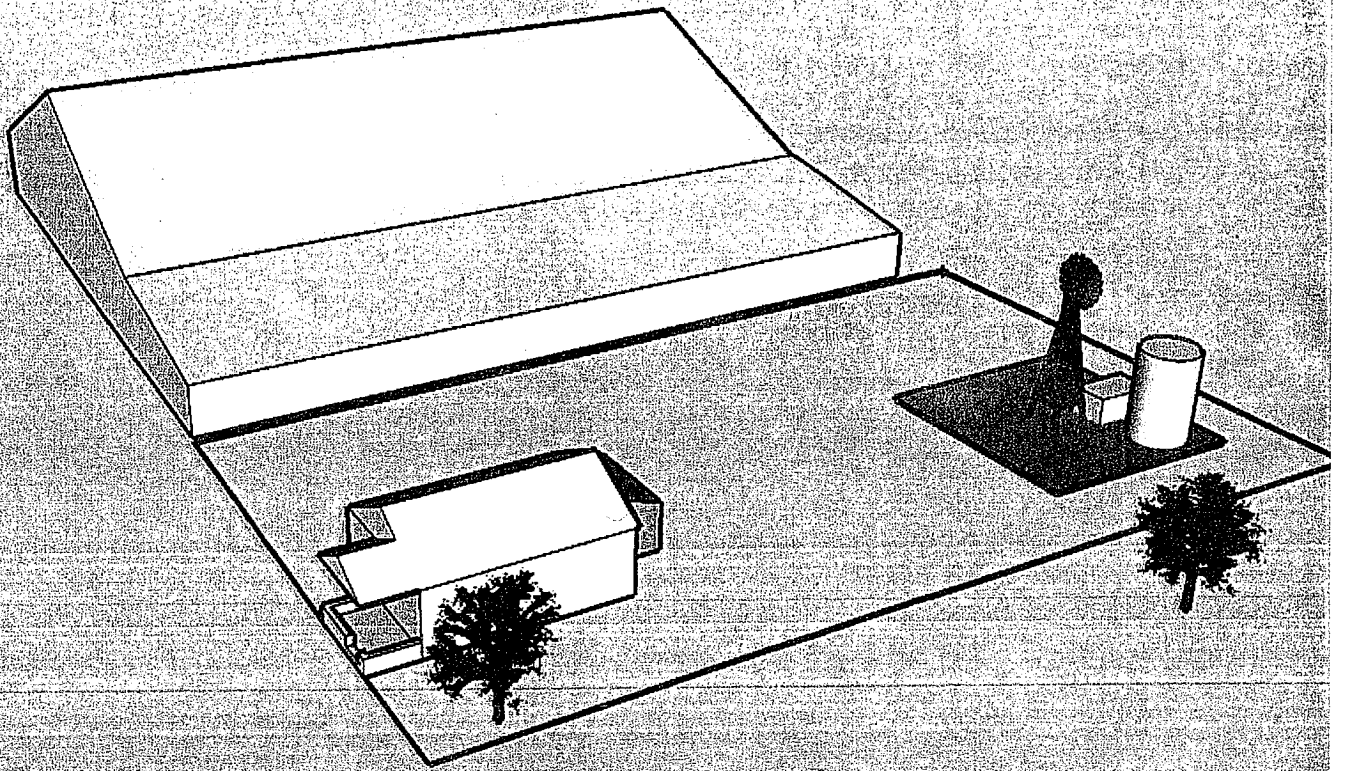
27. IN YOUR OPINION WHAT IS THE AGE OF STRUCTURE: 50+ YEARS

REMARKS: (1) HOUSE BOARDED UP UNABLE TO MAKE INTERIOR INSPECTION.

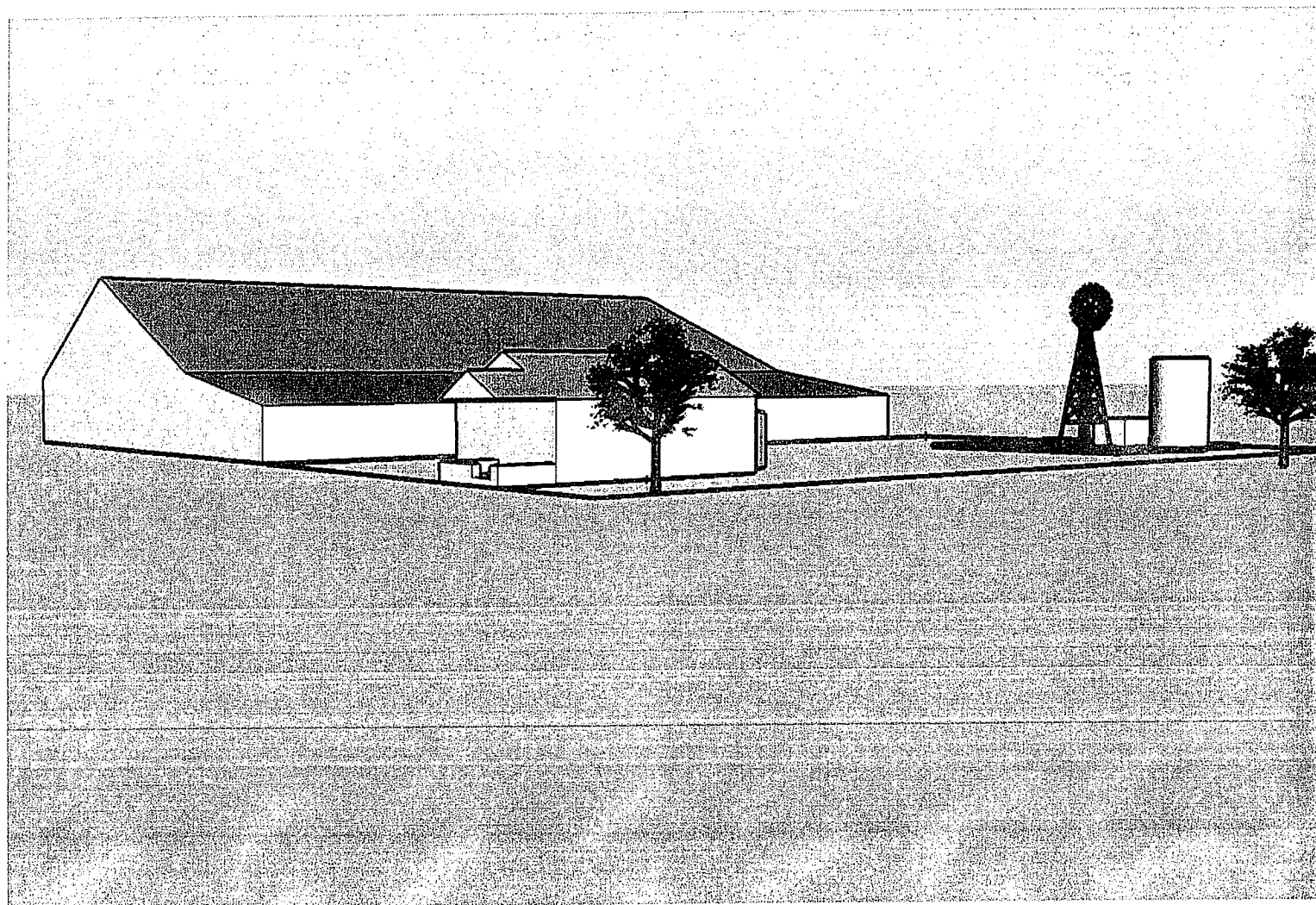
OK TO RELOCATE STRUCTURE

APPROVED: _____ DISAPPROVED _____ RECOMMENDATION: _____

DATE INSPECTED: 10/27/08 INSPECTOR: [Signature] 125

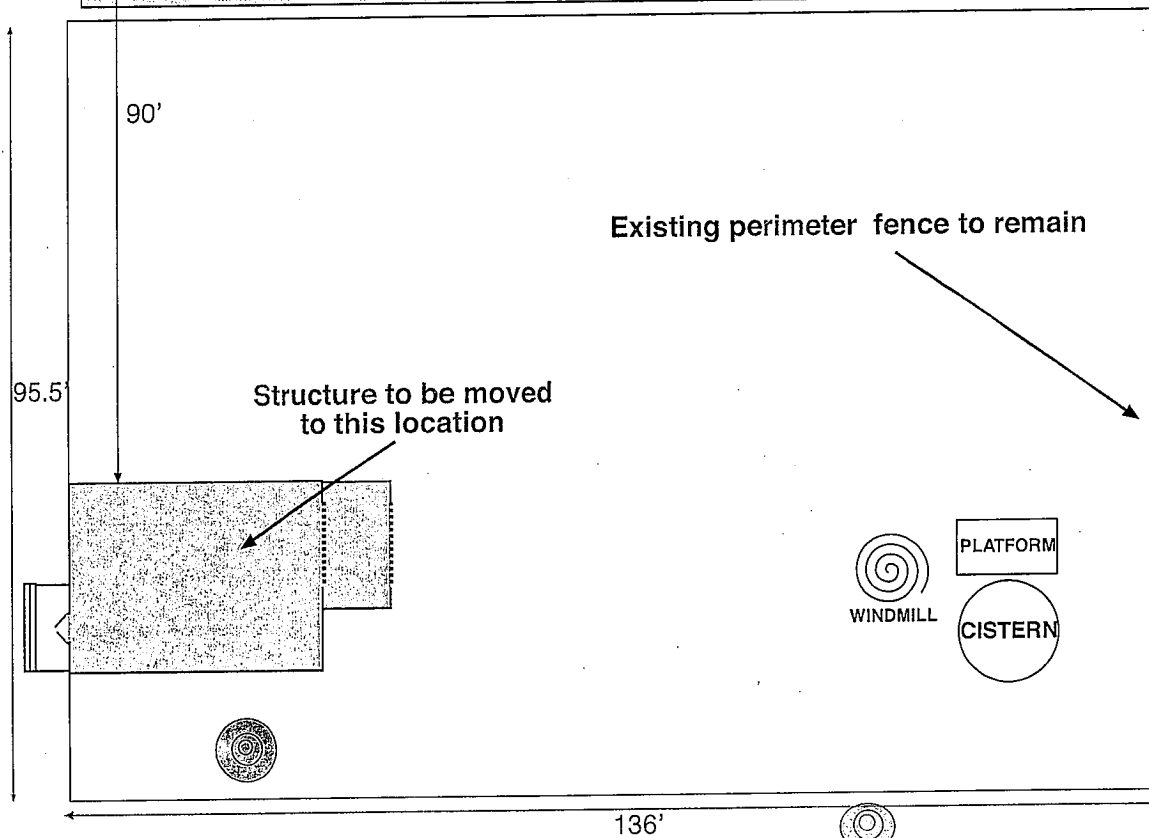


PERSPECTIVE

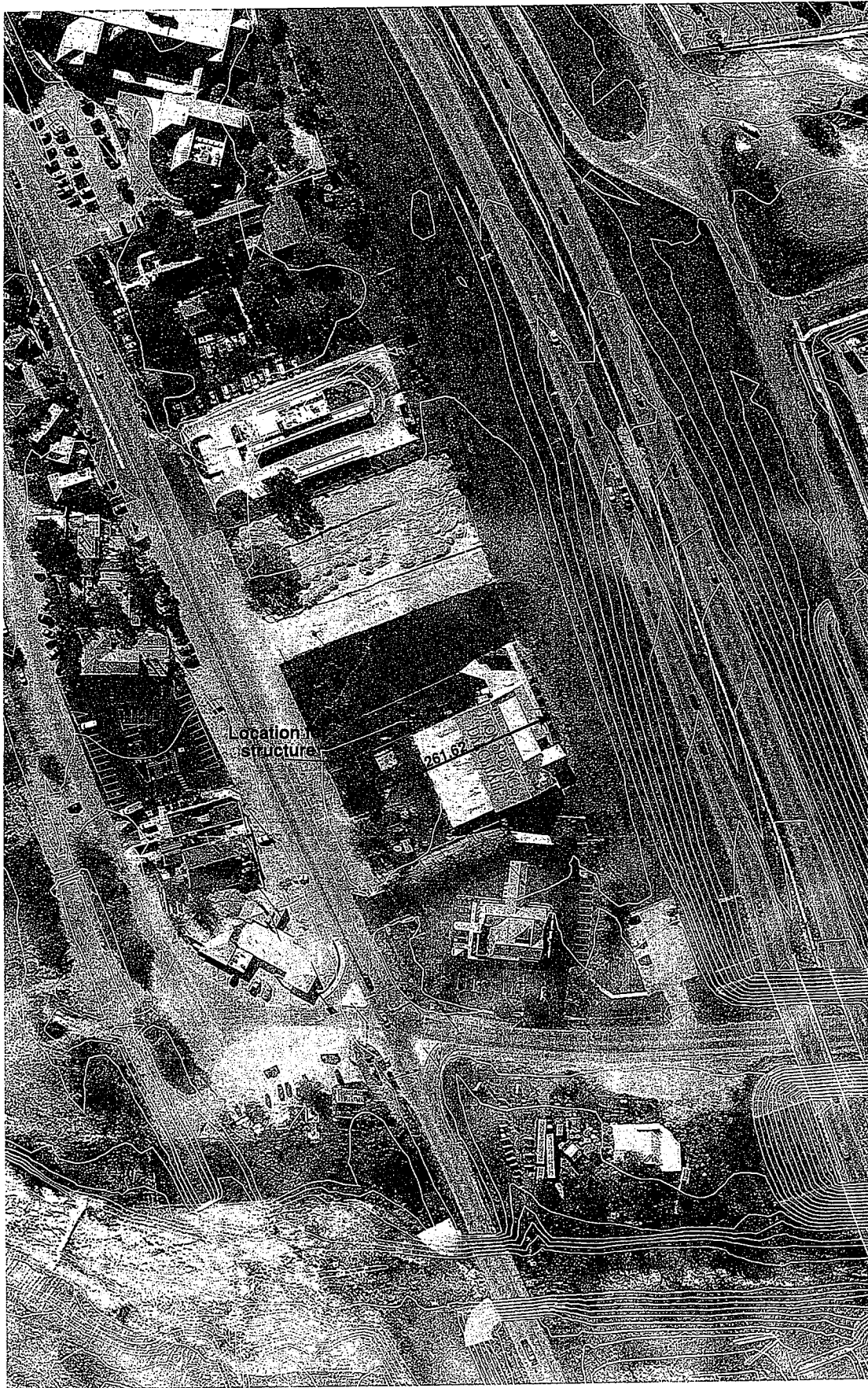


VIEW FROM STREET .

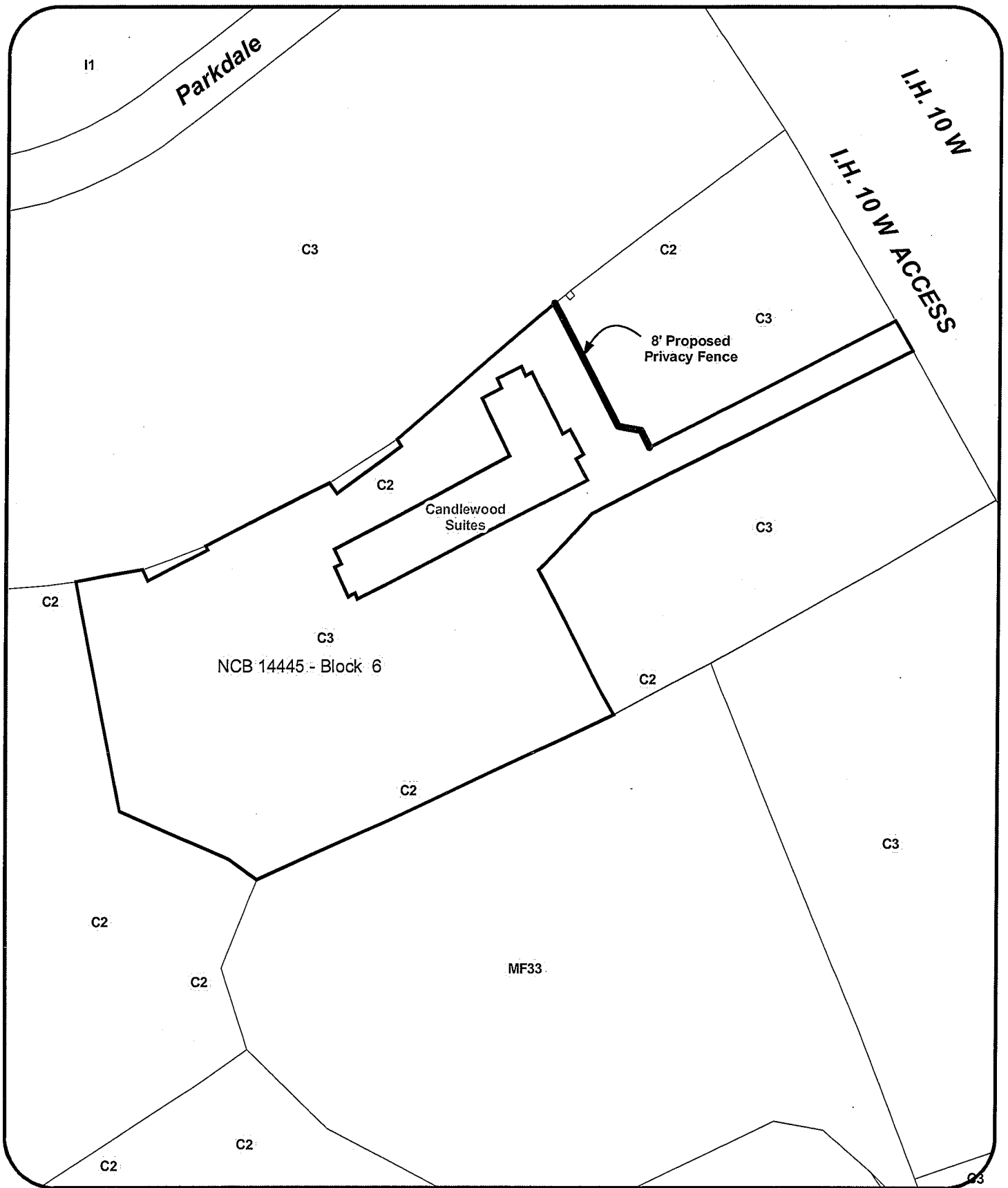
LEON SPRINGS DANCE HALL



SITE PLAN

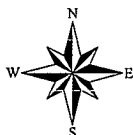


Aerial Map showing subject is not within 90' of IH-10 Right-Of-Way



Board of Adjustment

**Plot Plan for
Case A-09-005**



Scale: 1" approx. = 120'
Council District 8

9350 I.H. 10 WEST

City of San Antonio
Planning and Development Services Department
(10/28/2008)
R.R.M.

Board of Adjustment - Case No. A-09-005

November 17, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 17, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Candlewood Suites

Lot 16, Block 6, NCB 14445

9350 IH 10 West

Zoned: "C-3" General Commercial District and "C-2" Commercial District

The applicant is requesting a 5-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to erect an 8-foot tall front yard fence.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

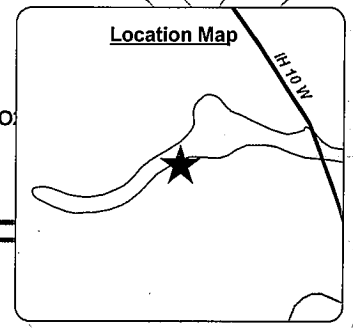
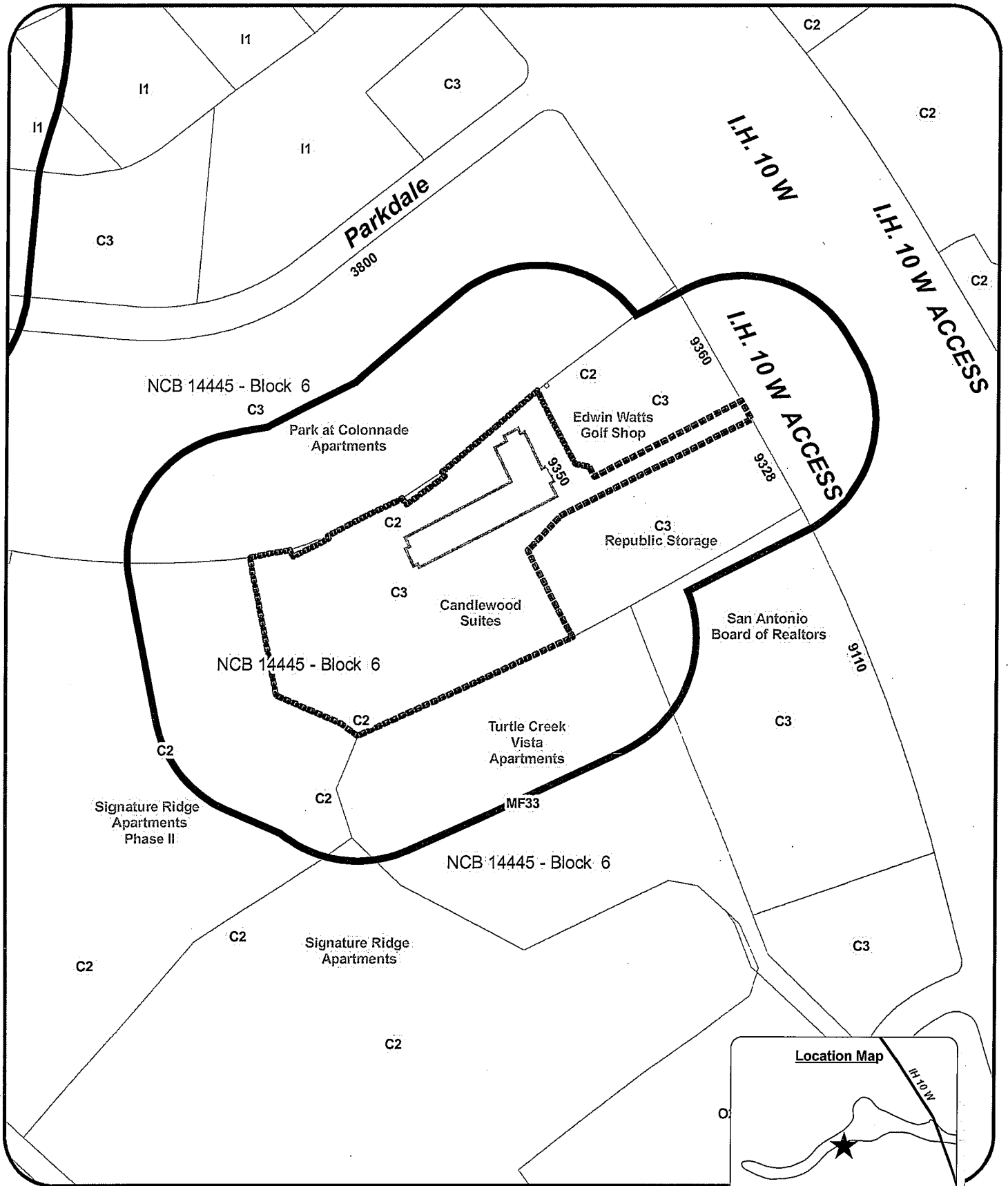
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

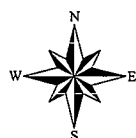
() In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-005



Board of Adjustment **Notification Plan for** **Case A-09-005**



Legend

Subject Property [dashed line symbol]

200' Notification Buffer [thick solid line symbol]

Scale: 1" approx. = 200'

Council District 8

City of San Antonio
 Planning and Development Services Department
 (10/28/2008)
 R.R.M.

CASE NO: A-09-005

Board of Adjustment – November 17, 2008

Applicant: Candlewood Suites

Owner: HPT TRS IHG-1, Inc.

Request(s): The applicant is requesting a 5-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to erect an 8-foot tall solid screen front yard fence.

Legal Description: Lot 16, Block 6, NCB 14445

Address: 9350 IH 10 West

Zoning: "C-3" General Commercial District and "C-2" Commercial District

Existing Use: Hotel

Neigh. Assoc: None

Neigh. Plan: None

Section of the City Code from which this variance is requested:

35-514 Fences: The maximum height for a front-yard solid screen fence shall not exceed 3 feet in height.

Background: The subject property is located just off of IH 10 West, north of Loop 410. The property is split zoned C-2 and C-3, with the majority of the property zoned C-3. The subject property is surrounded entirely by commercial zoning and uses, save the property to the immediate south, which is zoned MF-33 and is occupied by an apartment complex. An additional apartment complex sits to the immediate north of the subject property and is zoned C-3. The applicant is seeking a variance from the front yard solid screen fence height requirements in order to erect an 8 foot tall fence along the front property line. The applicant has cited multiple break-ins and vandalism as rationale for the variance request. At the August 18, 2008 Board of Adjustment Public Hearing, the Board approved an 8-foot tall side and rear yard fence on the subject property, which has since been installed.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. The request for an eight-foot tall fence in the front yard of this property is unique in that, while there appear to be no special physical or topographic conditions (other than the irregular shape of the front yard) where literal enforcement of the fence height standards would result in an unnecessary hardship, there are other considerations that may make this request reasonable, such as the evidence supplied that indicates multiple break-ins onto this commercial property. Considering the intent of the fence height standards, it appears this request may be acceptable given the circumstances under which this variance is requested. Additionally, Staff believes that the addition of an 8-foot tall fence would do little to detract from the neighborhood character, uniformity, and general pedestrian friendliness being that there is an overall heavy commercial atmosphere in the immediate area. Staff therefore recommends **approval** of the fence height variance request.

Case Manager/Project Planner: Mike Farber, Planner (210) 207-3074

